

CITY OF PAOLA KANSAS



EMPLOYEE HANDBOOK

FOREWORD

On behalf of the City of Paola, welcome to our team! We believe strongly that each employee contributes directly and significantly to the City's growth and success. City employees may be the only contact a citizen has with the City government. The impression you make will be the one that the citizens will remember. We hope you will take pride in being a member of our team and help us achieve our common goal of providing excellent services in an efficient, respectful, and courteous manner to the City of Paola citizens.

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INTRODUCTION

The purpose of this Handbook is to provide City employees with an overview of the City of Paola's policies, goals, rules, and employment practices that apply to all employees. Please read it thoroughly and retain it for future reference. If you have any questions regarding the information contained in this handbook, please discuss those with your supervisor, Department Head, Human Resources Director, or the City Manager.

These policies are presented for informational and guidance purposes only. All employees who do not have individual, written contracts for specific, fixed terms are employees at-will. "At-will" means that you or the City may terminate the employment relationship at any time, with or without cause or reason and with or without advance notice. This City's policies are not intended to constitute a contract of employment, either express or implied, between you and the City. Accordingly, this handbook shall not and should not be interpreted or construed as an employment contract between you and the City.

This handbook applies to all City employees and supersedes and replaces any prior City handbooks and/or memoranda that were issued on subjects covered in this handbook. The City reserves the right, in its sole discretion, to alter, amend, delete, supplement and/or change, at any time and without advance notice, any of its policies, including those covered in this handbook. New or revised policies shall be effective on dates determined by the City and shall remain in effect until the City gives notice to the contrary. The City shall notify you of any revisions to this handbook and/or its policies. Amended, superseded, or deleted policies shall not be relied upon.

Some of the subjects described herein, such as the Group Insurance Plans, are covered in detail in official policy documents. You should refer to these documents for specific information, since this handbook only briefly summarizes those benefits.

CHAPTER 1

GENERAL PROVISIONS

1.1 Rules Established.

A. The following rules, regulations, and other provisions for personnel administration in the City of Paola, Kansas are established to:

- (a) Promote and increase the efficiency and effectiveness of City service.
- (b) Develop a program of recruitment, advancement, and tenure, which will make City service attractive as a career.
- (c) Establish and maintain a uniform plan of performance evaluation and compensation based on the duties and responsibilities of each position to assure a fair and equitable wage and salary to all employees.
- (d) Establish and promote high morale among City employees by providing good working relationships, uniform personnel policies, and an opportunity for advancement without regard to race, color, gender, disability, religion, age, national origin, or ancestry.
- (e) Provide fair and equal opportunity for all employees and applicants for City employment in all positions on the basis of merit and fitness, without regard to race, color, gender, disability, religion, age, national origin, or ancestry.
- (f) Establish City employment and personnel policies. These rules and regulations do not create contractual employment right. **All employees are considered to be at-will employees for the purposes of City employment.**
- (g) Establish reasonable hours of work based on the City of Paola's needs.
- (h) Offer training opportunities for those whose talents or needs justify the training.
- (i) Be receptive to constructive suggestions about job duties, working conditions or personnel policies.

B. The City of Paola, as part of the commitment to providing citizens with excellent service and to creating a productive work environment expects all employees to:

- (a) Deal with citizens' and vendors in a professional manner.
- (b) Represent the City of Paola in a positive and ethical manner.
- (c) Perform assigned tasks in an efficient manner.
- (d) Be punctual and work as scheduled. (See Section 5.3 Punctuality, Illness and Absenteeism)
- (e) Demonstrate a considerate, friendly and constructive attitude toward fellow employees.
- (f) Follow the policies adopted by the City of Paola.

1.2 Administrative Responsibility. These rules and regulations shall apply to all employees in the service of the City except elected officials. The Human Resources Director, under the direction of the City Manager, shall administer the policies and procedures.

1.3 Departmental Responsibility. The head of any City department may formulate in writing reasonable regulations for the conduct of the department, such as those relating to safety or operational procedures, which shall be available to all department employees. Such department regulations shall not be in violation of, or in conflict with, any personnel regulations in this handbook.

1.4 Availability of Regulations. Copies of these regulations shall be maintained in the office of the City Clerk and provided to each employee. Copies of the regulations are property of the City. It shall be the responsibility of each employee to be aware of the terms of these personnel regulations and to keep any personal copy of regulations current when revisions are received.

1.5 Personnel Records. The Human Resources Director shall keep adequate records of all persons employed; their pay scale; time worked; accrued vacation and sick leave; all absences for vacation, sick, or other leave; accrued overtime; and all other records directed to be made and maintained under these rules and regulations or under applicable state or federal law. An employee's personnel file shall be available during office hours at City Hall for inspection by that employee.

1.6 Amendment of Rules. These rules may be amended at any time as deemed necessary by the City Council. All amendments shall be adopted by the City Council in resolution form and distributed to employees. No one other than the City Council has the authority to implement or change these rules.

CHAPTER 2

EMPLOYMENT POLICIES

2.1 Equal Opportunity Policy. In accordance with equal employment opportunity laws, executive orders, and/ or rules and regulations at the local, state, and federal levels, it is the policy of the City to provide equal employment opportunity to all. The City policy prohibits discrimination because of race, gender, religion, color, national origin, age, ancestry, disability, or any other characteristic protected by Federal, State, or local law. The City's policy applies, but is not limited to: hiring, placement, promotion, demotion, termination, layoff, recall, transfer, leave of absence, compensation, training, and all other terms and conditions of employment. Failure of any employee to cooperate or perform in a manner consistent with this policy will constitute grounds for disciplinary action, up to and including termination.

2.2 Tobacco Use Policy. The purpose of this policy is to promote wellness, ensure a healthy work environment and provide guidelines for tobacco use on the City of Paola grounds or facilities. It applies to all tobacco products. For the purpose of this policy "smoking" is defined as the smoking of tobacco via cigarettes, cigars or pipes or the use of devices or products that may be used to smoke or mimic smoking (including bongos, hookahs, vaporizers, e-cigarettes, etc).

In order to maintain a safe and comfortable working environment protecting employees from effects of secondary smoke, and to ensure compliance with applicable laws, smoking in all City facilities and other designated areas is prohibited. Smoking on City property is discouraged but allowed. Smoking is allowed in outdoor areas beyond a 25 foot radius outside any doorway, open window or air intake into any City owned building or facility. All tobacco use is prohibited in all City owned or leased vehicles.

Because the City recognizes the hazards to the exposure to tobacco smoke, as well as the life threatening diseases linked to all forms of tobacco the City provides a Tobacco Cessation Program for employees. Information on this program is available through the Human Resource Department.

2.3 Drug-Free Workplace. It is the policy of the City to create a drug-free workplace in keeping with the spirit and intent of the Drug Free Workplace Act of 1988. The use of controlled substances is inconsistent with the behavior expected of employees; subjects all employees, citizens, and visitors to the City to unacceptable safety risks; and undermines the City's ability to operate efficiently and effectively. The unlawful manufacturing, distribution, dispensation, possession, sale, or use of a controlled substance in the workplace or while engaged in City business, on or off City premises, is strictly prohibited.

Employees shall be subject to provisions of Chapter 13: Drug and Alcohol Testing Policy. Employees in **Safety Sensitive Positions** are subject to provisions of Chapter 14: Employee Assistance Program.

2.4 Electronic Mail, Internet, and Intranet Use; Social Media and Social Networking; City Provided Cell Phones.

- (a) **Electronic Mail, Internet, and Intranet Use Policy.** Electronic mail (email), the internet, and the intranet are provided to enable City employees an opportunity to use technology to work more efficiently and effectively. These technologies provide numerous opportunities to access information, interact with other professionals, and conduct business. All email, internet, and intranet images, electronic files, and other information transmitted by, received through, or stored in these systems are the property of the City.

Only employees of the City whose job duties require the use of the email, internet, and intranet system and others who have received permission by the City Manager or applicable Department Head are authorized users of those systems.

Good judgment and common sense can guide an individual to appropriate use of email, internet, and intranet. The following principles should govern an individual's use of the City's email, internet, and intranet system:

- (a) Transmission of any material in violation of any federal or state law or regulation is prohibited. This includes, but is not limited to: copyrighted material, threatening or obscene material, or material protected by trade secret.
- (b) Use for commercial activities is not acceptable.
- (c) Material that would be considered inappropriate, offensive, or disrespectful to others should not be transmitted, accessed or stored. The use of vulgarities or any other inappropriate language is not acceptable.
- (d) Employees shall not log on and leave connections to the internet open when not in active use.
- (e) Incidental or occasional use of email, the internet, and intranet systems for personal use may occur, subject to the restrictions contained in this policy and all other City policies. The use shall not directly or indirectly interfere with the City's operation of its email, internet, and intranet systems, nor interfere with the user's employment or other obligations to the City.
- (f) Users of the City's email, internet, and intranet have no right or expectation of privacy in business and/or personal related email messages, in the log of internet or intranet sites visited, or in any associated electronic files on the system. All employees, by their use of the City's email, internet, and intranet systems are thereby consenting to being monitored.
- (g) Public Record. As a general rule, electronic messages, like most paper correspondence, will be considered an open public record, subject only to the exemptions set out by Kansas statute. Electronic messages, like paper correspondence are also subject to discovery for legal evidentiary purposes. Utilization of email should take into consideration the possible disclosure of the message being sent.
- (h) Each user should periodically review messages for deletion or archiving. Email messages are subject to the same retention and discovery requirements of paper correspondence. If a message has information that must be retained permanently, the record copyholder must create a paper copy of the message to be filed with other paper documents concerning the same subject.
- (i) Users should report any email messages they receive or that are displayed to them that they believe might reasonably violate this policy.

Anyone found to have violated this policy will be subject to disciplinary action, up to and including termination of employment and criminal prosecution, if appropriate.

- (b) **Social Media and Social Networking.** The City takes no position on an employee's decision to start or maintain a blog or participate in other social media activities while not "on duty". However, it is the right and duty of the City to protect itself from unauthorized disclosure of information.

Social media is defined as "any web-based applications that allow information to be broadcast to an entire network". The network may be "user defined" such as Facebook, or open, like YouTube. Social media differ from e-mail and websites which are addressed by the City's Electronic Mail, Internet and Intranet Use policy (Section 2.4). Examples of social media sites include: LinkedIn, Facebook, Twitter, YouTube and various web logs, or blogs.

Only employees of the City whose job duties require the use of such social media—and others who have received permission from the City Manager or applicable Department Head—are authorized to use those systems while on duty.

Employer Monitoring. City employees have no reasonable expectation of privacy while using the Internet or while using computer or technology equipment, including phones, computers, radios, and text messaging devices for any purpose, including authorized blogging. Your postings can be reviewed by anyone, including the City. The City reserves the right to use content management tools to monitor, review or block content on City blogs that violate City blogging rules and guidelines.

Reporting Violations. The City requests and strongly urges employees to report any violations or possible or perceived violations to supervisors, managers or the HR Department. Violations include, but are not limited to, discussing proprietary information and any unlawful activity related to blogging or social networking.

Employees should remember they are always a representative of the City. Employees who utilize such social media outlets while on their own time or on City time, if applicable, should always exercise good judgment in what they post. Following are principles for the social media posting.

- a) Personal blogs should have clear disclaimers that the view expressed by the author in the blog is the author's alone and does not represent the view(s) of the City. Such disclaimer may read like "the views expressed are mine alone and are not to be interpreted as the view(s) of the City of Paola."
- b) Information published by you should comply with the City's and Department's confidentiality policies.
- c) Rudeness or unprofessional behavior toward a citizen or anyone in contact with the organization is unacceptable.
- d) Your online presence reflects on the City. Be aware that your actions captured via images, posts, or comments may be considered a direct reflection.
- e) Postings should not include the City logo unless permission is asked for and granted by the City Manager pursuant to City policy.
- f) Employees should neither claim nor imply they are speaking on behalf of the City.
- g) Internet postings must respect copyright, privacy, fair use, financial disclosure, and other applicable laws.
- h) Personal social media activities should not interfere with your work commitments.

The above list is not intended to be inclusive and the absence or lack of explicit principle does not limit the application of this policy.

Personal Blogs. The City respects the right of employees to write blogs and use social networking sites and does not want to discourage employees from self-publishing and self-expression. An employee is expected to follow the guidelines and policies set forth to provide a clear line between you as the individual and you as the employee.

The City respects the right of employees to use blogs and social networking sites as a medium of self-expression and public conversation and does not discriminate against employees who use these media for personal interests and affiliations or other lawful purposes.

Bloggers are personally responsible for their commentary on blogs and social networking sites. Bloggers can be held personally liable for commentary that is considered defamatory, obscene, proprietary or libelous by any offended party, not just the City. Employees cannot use blogs or social networking sites to harass, threaten, discriminate or disparage against employees or anyone associated with or doing business with the City.

Disciplinary Action. Employees found to have violated this policy may be subject to disciplinary action, up to and including termination of employment and criminal prosecution, if appropriate.

If an employee has any questions relating to this policy, the employee's personal blog or social networking, the employee should ask his or her immediate manager or supervisor.

- (c) **City Provided Cell Phones.** The City may provide cell phones to some employees for the convenience of the City. These phones and all of its contents are the property of the City of Paola and subject to the policies detailed in Sections 2.4a and 2.4b.

2.5 Non-fraternization. The City is committed to providing equal employment opportunities to its employees. Intimate relationships have the potential to interfere with the ability of the City to provide equal employment opportunities for its employees, and in some instances, may constitute sexual harassment or other unlawful discrimination. To minimize conflicts of interest which often occur as a result of intimate relationships, the City prohibits its employees from entering into intimate relationships with other employees for whom they have professional supervisory responsibility. Employees who enter into an intimate relationship with another employee, or who become aware of an intimate relationship where professional supervisory responsibility exists, should report it immediately to the Human Resources Department so that appropriate steps may be taken consistent with this and other the City Policies.

If two employees marry, become related, or enter into an intimate relationship, they may not remain in a professional supervisory relationship or in positions where one individual may affect the terms or conditions of employment of the other employee. When such a situation arises, the City will attempt to identify other available positions, and the affected employees will have 10 business days to decide which individual will remain in his/her current position. If no alternate position is available, the employees will have 30 additional calendar days to decide which employee will remain employed with the City. If this decision is not made in the time allowed, the City will make the decision and the departing employee's employment will terminate no later than 30 days after the decision, at the discretion of the City and in accordance with the law.

In other cases where a conflict or the potential for conflict arises between two employees, and even if there is no professional supervisory responsibility involved, the parties may be separated by reassignment or terminated from employment, at the discretion of the City and in accordance with the law.

In the event an employee is subjected to unwanted advances or sexually harassing behavior, such employee shall follow the City's Policy Prohibiting Harassment in reporting the incident.

Violations of this Policy may subject employees to disciplinary action, up to and including termination of employment.

2.6 Policy Prohibiting Discrimination, Harassment and Retaliation.

- (a) **General Policy.** It is the policy of the City to maintain a work environment free of intimidation, insult, discrimination and harassment based upon race, gender, religion, color, national origin, age, ancestry, disability, or any other characteristic protected by Federal, State, or local law. Discrimination, harassment or retaliation of any kind will not be tolerated. Employees have the obligation to report all incidents of such conduct, and those reports will be promptly and thoroughly investigated. The City also does not tolerate retaliation against those who report discrimination or harassment in good faith or those who cooperate with discrimination or harassment investigations. Any employee who has engaged in discriminatory, harassing or retaliatory conduct will be subject to immediate discipline, up to and including termination.
- (b) **Harassment Defined.** Harassment is verbal, written, or physical conduct which degrades or displays hostility or hatred toward others based on their race, gender, religion, color, national origin, age, ancestry, disability, or any other characteristic protected by Federal, State, or local law and which creates an intimidating, hostile, or offensive working environment; unreasonably

interferes with an individual's work performance; or otherwise adversely affects an individual's employment opportunities.

(c) **Examples of Harassment.** Generally speaking, harassing conduct includes, but is not limited to, the following acts or conduct when those acts or conduct relate to race, gender, religion, color, national origin, age, ancestry, disability, or any other characteristic protected by Federal, State, or local law:

1. Epithets;
2. Slurs;
3. Stereotyping;
4. Threats; and
5. Written or graphic material that degrade or display hostility or hatred toward an individual or group when such material is distributed or circulated in the workplace or placed on walls, on bulletin boards, or elsewhere on the premises of the City.

(d) **Sexual Harassment Defined.** Sexual harassment is defined as the threat or insinuation by one employee or group of employees, either explicitly or implied, that his/her refusal to submit to sexual advances will adversely affect his/her employment, evaluation, wages, advancement, assigned duties, shifts, or any other condition of employment or career development (quid pro quo); or the subjecting of an employee(s), by another employee(s), to unsolicited and unwelcome sexual overtures or conduct, either verbal or physical, so as to create an intimidating, hostile or offensive working environment.

(e) **Examples of Sexual Harassment.** No employee, whether supervisory or non-supervisory, may sexually harass another employee. Sexual harassment as defined includes, but is not limited, to:

1. Unwelcome or unnecessary sexual touching, propositions, and/or advances;
2. Unwelcome sexual flirtations;
3. Abusive and/or vulgar language of a sexual nature;
4. Graphic or vulgar commentaries about an employee's body or clothing;
5. Displays of sexually graphic or suggestive pictures, photographs, cartoons, etc.
6. Sexually degrading words used to describe a person;
7. Displays in the workplace or on City premises of sexually suggestive materials, including objects or pictures;
8. Physical assault or battery;
9. Verbal harassment or abuse;
10. Accusations of sexual preference;
11. Demands for sexual favors, including demands accompanied by express or implied promises or threats concerning an individual's employment status;
12. Conditioning any term or benefit of employment upon sexual favors;
13. Sexual slurs or innuendoes;
14. Suggestive or insulting sounds;
15. Touching, leering, whistling or obscene gestures;
16. Displaying derogatory or offensive posters, cartoons or drawings; and
17. Any other conduct that unreasonably interferes with an employee's performance of his or her job, creates an intimidating, hostile or offensive working environment, or otherwise adversely affects an individual's employment opportunities.

(f) **Discrimination, Harassment and Retaliation Complaint Procedure.** Any employee who feels he/she is being subjected to discrimination, harassment or retaliation should immediately contact one of the persons listed below with whom the employee feels the most comfortable. Complaints may be made orally or in writing to:

1. The employee's immediate supervisor;
2. The employee's Department Head;
3. Other Supervisory Personnel;
4. The Human Resources Director; or
5. The City Manager.

Employees shall not make a complaint to the person who is the alleged harasser or person committing the retaliation. Instead, the complaint should be made to one of the other listed persons.

The employee should be prepared to provide the following information:

1. Employee's name, department, and position title;
2. The name of the person(s) committing the discrimination or harassment;
3. The date(s) and approximate time(s) of the discrimination or harassment;
4. The specific nature of the discrimination or harassment, the duration of the harassment, and any employment action (demotion, failure to promote, termination, refusal to hire, transfer, etc.) taken against him/her as a result of the harassment;
5. The name of any witness to the discrimination or harassment; and
6. Whether he/she has previously reported such discrimination or harassment and if so, when and to whom.

After receiving a complaint, the recipient of the complaint shall assist the employee filing the complaint with documenting the incident in writing and the employee shall affix their signature attesting to the accuracy and truthfulness of the complaint. All information disclosed in the complaint procedure will be held in strictest confidence and will only be disclosed on a need-to-know basis in order to investigate and resolve the matter.

(g) **Discrimination, Harassment or Retaliation Investigations.** Anyone who receives a complaint of discrimination, harassment or retaliation shall immediately report the complaint directly to the Human Resource Director. The Human Resource Director is the officer designated to investigate reports of complaints based on race, gender, religion, color, national origin, age, ancestry, disability, or any other characteristic protected by Federal, State, or local law. Once a complaint is received, the Human Resource Director shall inform the City Manager of the complaint and shall immediately conduct a thorough investigation regarding any complaint, except if the City Manager is named as a witness or alleged to have engaged in the wrongful conduct, the Human Resource Director shall inform the City Council. If the Human Resource Director is named as a witness or alleged to have engaged in the wrongful conduct, the City Manager's designee shall conduct the investigation. At the discretion of the City Manager, a neutral third-party may be secured to investigate any complaint of discrimination, harassment or retaliation. If third-party investigators are used, disclosure of any investigation report and its contents will be restricted to the City, Federal or State officers, agency, or departments, or any officer, agency, or department of a unit of general local government; or any self-regulatory organization with regulatory authority over the activities of the employer or employees; as otherwise required by law.

An investigation will be conducted consistent with the City's investigation procedures. The City shall complete an investigation as soon as practicable upon receipt of any complaint of discrimination, harassment or retaliation.

When asked, all employees shall cooperate fully and completely with such investigations. Refusal to cooperate, or interfering with an investigation in any way, shall subject employees to immediate disciplinary action, up to and including discharge from employment.

The investigation findings, along with any recommendations, shall be submitted by the investigator to the City Manager. The City Manager shall take disciplinary or remedial action as appropriate. The City Manager shall notify the complainant and any other parties of the investigative findings as appropriate.

If the City Manager determines, after reviewing the investigation report, that the complaint was intentionally falsified by the employee filing the complaint, the City Manager shall take immediate and appropriate disciplinary action against the employee, to be determined on a case-by-case basis, up to and including termination.

- (h) **Records of Complaints.** All records, except those affected by the Kansas Open Records Act, concerning a complaint shall be confidential and kept in a separate locked file. Access shall be granted only to parties who have a direct and relevant need-to-know and only with the City Manager's approval.

2.7 Taxable Fringe Benefits. It shall be the policy of the City to comply with IRS regulations regarding the taxability of fringe benefits for all employees. When applicable, taxable fringe benefits will be paid through the payroll system or the appropriate amount of tax withheld through the payroll system. The following items may be subject to special taxation rules:

- (a) **Uniforms.** The City will provide uniforms for the Police Department, Fire Department, and Public Works Department employees as a condition of employment. These uniforms are not intended to be worn or be adaptable to general usage as ordinary clothing. The uniforms are specifically required as a condition of employment, they help to readily identify personnel as a city employee, and help them to perform their duties in a safer environment. The value of these uniforms are excludable as taxable compensation to these employees.
- (b) **Non-Uniform Clothing.** The City may provide non-uniform clothing, such as t-shirts, sweatshirts, and outerwear, to some employees to wear while working. These articles of clothing will clearly display the name and/or logo of the City and are not intended to be worn or be adaptable to general usage as ordinary clothing. This non-uniform clothing is specifically required as a condition of employment, helps to readily identify personnel as a city employee, and help them to perform their duties in a safer environment. This non-uniform clothing is excludable as taxable compensation to these employees.
- (c) **Other Clothing and Cash Clothing Allowances:** The City may provide other clothing or cash clothing allowances to some employees. This other clothing may be of a nature that it is impractical to display the name and/or logo of the City (such as footwear). Reimbursements for this type of clothing and cash clothing allowances are considered taxable compensation and will be paid through the payroll system.
- (d) **Overnight Travel Expenses:** Any employee who travels overnight on City business is required to submit an approved Travel Request Form showing date, destination and purpose of the trip.

The City has a per diem policy for meals associated with overnight travel. Per diem rates are based upon the government approved per diem rate for the city to which you are traveling. The per diem applies to all full travel days associated with an approved overnight stay. Meals provided through seminar or meeting registrations will be deducted from per diem daily allowance. Any meal expenditures over the per diem rate will not be reimbursed by the City. Any restaurant tipping is included in the per diem rate and will not be reimbursed by the City.

The City has an accountable reimbursement policy for all other associated overnight travel expenses. The employee may pay cash or charge the expenses to a City credit card. The employee must attach detailed receipts for transportation, lodging and other travel expenses to the Travel Request Form previously approved by the City Manager for reimbursement. Cash expenses not documented with a detailed receipt will not be reimbursed and credit card expenses not documented with a detailed receipt must be paid by the employee. All expenses will be reimbursed pursuant to Section 2.8 where applicable.

Same Day Travel Expense: Any employee who travels on City business is required to submit an approved Travel Request Form showing date, destination and purpose of the trip.

The City has an accountable reimbursement policy for same day travel. The employee may pay cash or charge the expenses to a City credit card. The employee must attach detailed receipts for transportation, meals and other travel expenses to the Travel Request Form previously approved by the City Manager for reimbursement. Cash expenses not documented with a detailed receipt will not be reimbursed and credit card expenses not documented with a detailed receipt must be paid by the employee. All expenses will be reimbursed pursuant to Section 2.8 where applicable.

- (e) **Meals:** Meals reimbursed by the City to employees where overnight travel is not required is considered taxable compensation and will be paid through the payroll system. Certain other meals such as those provided at City facilities that are furnished for the convenience of the City (such as Safety Committee lunches), meals that are provided under special circumstances (such as meals provided to snow plow crew after working long hours), and other de minimus meals are excludable as taxable compensation to these employees.
- (f) **(Deleted - reserved for future use).**
- (g) **Mileage Reimbursement for Personal Vehicles:** Whenever a personal vehicle is used by an employee for City business travel, the employee may request reimbursement using the Travel Request Form. Mileage will be reimbursed at the IRS approved rate and this reimbursement is excludable as taxable compensation to these employees.
- (h) **Cash Vehicle Allowances:** Some employees for the City are paid a cash vehicle allowance in lieu of being provided a City owned vehicle for use during the workday. A cash vehicle allowance is considered taxable compensation and will be paid through the payroll system.
- (i) **City Provided Vehicles:** Vehicles owned by the City are provided to employees for the convenience of the City and allow the employees to perform their duties in a safer environment. Personal use of City owned vehicles is not permitted (including commuting from home to work) unless approved, in advance, by the City Manager or designee. Any personal use of City owned vehicles is considered taxable compensation and will be reported through the payroll system. The City will determine the rule that will be used to value this benefit based on the IRS Regulations in effect for such personal use. Emergency vehicles are exempt from this requirement.
- (j) **Gift Certificates:** Gift Certificates that are provided to employees for recognition or as prizes which can be redeemed or considered to be cash or cash equivalent, will be considered taxable compensation to the employee and will be reported through the payroll system.
- (k) **Commercial Drivers License:** The City requires some employees to obtain a commercial drivers license (CDL) as a condition of employment. The cost of obtaining a CDL may be reimbursed to the employee upon request. This reimbursement is excludable as taxable compensation to these employees.
- (l) **Housing:** The City requires some employees to reside in City owned residences to perform job duties that are required as a condition of employment. The housing is provided at the

convenience of the City and employees that occupy these residences pay a monthly rent to help offset the expenses associated with the housing. The value of the housing in excess of the rent paid is excludable as taxable compensation to these employees.

Any questions regarding the nature or extent to which these benefits are paid should be directed to the Human Resources Department.

2.8 Travel Reimbursement and Approval. The City will reimburse travel expenses pursuant to Section 2.7(d) as follows:

(a) **Expenses Reimbursed.**

1. The City will reimburse employees mileage expense at the current IRS rate for all privately owned vehicles used by City staff for official City business.
2. There will be no overnight stay reimbursement for lodging within a 60-mile radius of Paola while traveling on City related business, unless approved by the City Manager.
3. All toll and parking fees will be reimbursed, provided proper receipts are submitted.
4. Restaurant tipping will be at the discretion of the individual not to exceed 15%.
5. There will be no reimbursement of direct expenses relating to liquor, wine, and/or cereal malt beverages.
6. Reimbursement for hotel/motel personal expenses such as in-room movies, laundry services, etc. will not be allowed.
7. One or more personal long distance calls will be reimbursable to allow employees to call home to check on family matters, provided that such cost does not exceed \$5.00 per trip.
8. Detailed receipts shall accompany meals, lodging and other typical travel expenses including gratuities. If taxi or public transportation services are used, every effort shall be made to obtain receipts.
9. When possible Kansas Sales Tax should not be paid for meals, rooms etc. for any General Fund trip.

(b) **Approval.** All out-of-town travel requests for City employees must be approved in advance by the City Manager. All disputes concerning the proper interpretation of this policy shall be resolved by the City Manager whose decision shall be final and conclusive.

2.9 Workplace Bullying Policy

(a) **General Policy.** The purpose of this policy is to communicate to all employees, including supervisors, department heads that the City of Paola will not in any instance tolerate bullying behavior. Employees found in violation of this policy will be disciplined, up to and including termination.

(b) **Bullying Defined.** The City of Paola defines bullying as repeated, health-harming mistreatment of one or more people by one or more perpetrators. It is abusive conduct that includes, but is not limited to:

1. Threatening, humiliating or intimidating behaviors.
2. Work interference/sabotage that prevents work from getting done.
3. Verbal abuse

Such behavior violates the general policy for employee conduct which clearly states that all employees will behave in a professional and ethical manner at all times.

(c) **Examples of Bullying.** The City considers the following types of behaviors examples of bullying. This list is are not intended to be a complete list of misconduct that may result in immediate termination or other disciplinary action; these are merely some examples of unacceptable conduct:

1. Verbal bullying. Slandering, ridiculing or maligning a person or his or her family; persistent name-calling that is hurtful, insulting or humiliating; using a person as the butt of jokes; abusive and offensive remarks.
2. Physical bullying. Pushing, shoving, kicking, poking, tripping, assault or threat of physical assault, damage to a person's work area or property.
3. Gesture bullying. Nonverbal gestures that can convey threatening messages.
4. Exclusion. Socially or physically excluding or disregarding a person in a work-related activities.

In addition, the following examples may constitute or contribute to evidence of bullying in the workplace.

1. Using obscene or intimidating gestures.
2. Not allowing the person to speak or express themselves (i.e. ignoring or interrupting).
3. Personal insults and use of offensive nicknames.
4. Public humiliation in any form
5. Public reprimands.
6. Repeatedly accusing someone of errors that cannot be documented.
7. Deliberately interfering with mail and other communications.
8. Spreading rumors and gossip regarding individuals.
9. Encouraging others to disregard a supervisor's instructions.
10. Manipulating the ability of someone to do his or her work (i.e. overloading, under loading, withholding information, setting deadlines that cannot be met, giving deliberating ambiguous instructions).
11. Taking credit for another person's ideas.
12. Deliberately excluding an individual or isolating him or her from work-related activities, such as meetings.

13. Unwanted physical contact, physical abuse or threats of abuse to an individual or individual's property (defacing or marking up property)

(d) **Bullying Complaint Procedure.** Any employee who feels he/she is being subjected to bullying should immediately contact one of the persons listed below with whom the employee feel the most comfortable. Complaints may be made orally or in writing to:

1. The employee's immediate Supervisor.
2. The employee's Department Head.
3. Other Supervisory Personnel.
4. The Human Resource Director.
5. The City Manager.

Employees shall not make a complaint to the person who is the alleged bully or persons who are alleged to be involved in the bullying. Instead the complaint should be made to the other listed persons.

The recipient of the complaint shall immediately report the complaint directly to the Human Resources Director. Once a complaint is received, the Human Resources Director shall inform the City Manager of the complaint and shall immediately conduct a thorough investigation regarding any complaint except if the City Manager is named as a witness or alleged to have engaged in the wrongful conduct. In such an event, the Human Resources Director shall inform the City Council. If the Human Resources Director is named as a witness or alleged to have engaged in the wrongful conduct, the City Manager's designee shall conduct the investigation. At the discretion of the City Manager, a neutral third-party may be secured to investigate any complaint of bullying. If third-party investigators are used, disclosure of any investigation report and its content will be restricted to the City.

An investigation will be conducted consistent with the City's investigation procedures. The City shall complete an investigation as soon as practicable upon receipt of any complaint of bullying.

When asked, all employees shall cooperate fully and completely with such investigations. Refusal to cooperate, or interfering with an investigation in any way, shall subject employees to immediate disciplinary action, up to and including discharged from employment.

The investigation findings, along with any recommendations, shall be submitted by the investigator to the City Manager. The City Manager shall take disciplinary or remedial action as appropriate. The City Manager shall notify the complainant and any other parties of the investigative findings as appropriate.

If the City Manager determines, after reviewing the investigation report, that the complaint was intentionally falsified by the employee filing the complaint, the City Manager shall take immediate and appropriate disciplinary action against the employee, to be determined on a case-by-case basis, up to and including termination.

CHAPTER 3

RECRUITMENT, SELECTION, AND EMPLOYMENT

3.1 Definitions. The following are employment designations for employees employed by the City:

- a) **Full-time Employee.** A full-time employee is one employed to work a normal week of at least 30 hours on a regular and continuing basis. A workweek shall begin on Sunday and end on Saturday except as otherwise approved by the City Manager.
- b) **Part-time Employee.** A part-time employee is one employed to work less than 30 hours per week on a regular and continuing basis.
- c) **Temporary or Seasonal Employee.** A temporary or seasonal employee is one who is employed to work for a short and defined period of time. This employee's weekly schedule may vary but will not exceed 1,000 in any twelve (12) month period.

3.2 Orientation and Training. Each employee will receive orientation training including, but not limited to, the duties of the position, hours of work, relationship to other employees, safety precautions, and other information about the unit and department. When possible, orientation training will be provided on or before the first day of employment.

3.3 Personnel Files. It is the responsibility of the employee to report changes of address, telephone number, name, and other relevant information to their respective Department Heads and the Human Resources Director.

All requests for recommendations or information concerning employees shall be handled through the Human Resources office. Absent a full release form, signed by the employee, the only information the Human Resources office will provide is date of hire, position held, salary, and date of termination.

3.4 Application and Qualification for Employment. It is the policy of the City to provide fair and equal opportunity to all qualified persons to enter City employment on the basis of demonstrated merit and fitness determined by fair and practical methods of selection, without regard to race, gender, religion, color, national origin, age, ancestry, disability, or any other characteristic protected by Federal, State, or local law.

Any person seeking employment with the City may apply directly to the Human Resource office for employment consideration.

All new applicants for any position with the City shall meet the minimum qualifications established for that position. Each applicant shall complete a job application form. The applicant shall also take a medical examination and other tests, including drug testing for certain positions, when deemed necessary by the City Manager. Subsequent to hiring, each employee may be periodically required by the City Manager to successfully pass a physical examination and other tests deemed necessary to exhibit continued qualification for the position. The City shall bear the costs of all required tests.

All appointments for employment with the City shall be subject to approval by the City Manager.

3.5 Commercial Driver's License. The City requires some employees to obtain a CDL as a condition of employment. An employee applying for such a positional shall be required to prove that he/she has a valid driver's license and a good driving record. It is the employee's responsibility to maintain a current and valid license during employment with the City. Proof of license renewal may be necessary, and the employee is required to provide such if it is requested. It is the responsibility of the employee to immediately report any changes in the status of such license to his/her supervisor and/or Department Head.

3.6 Initial Training Period. Each employee, including full-time, part-time, seasonal, and temporary employees, shall satisfactorily complete a minimum six-month training period before being granted regular status. Such initial training period may, upon the approval of the City Manager, be terminated before its completion.

At the close of the initial training period, the Department Head or City Manager shall make a determination regarding continued employment and pay. At the discretion of the Department Head or City Manager, the employee's initial training period may be extended.

No initial training period shall be deemed completed until the Department Head and City Manager approve a satisfactory performance evaluation.

3.7 Promotions and Transfers. It is the policy of the City to fill all vacancies with the most qualified applicant. Whenever possible, the City will fill vacancies with current employees. All employees seeking promotion or transfer shall be expected to meet all of the requirements of the position, including medical examinations, drug tests for certain positions, and other tests deemed necessary by the City Manager. Any offer of promotion or transfer will be contingent upon the applicant passing all required tests.

Employees promoted within the City's service shall be evaluated at the end of their first six (6) months in the promoted position. A promoted employee may receive a pay increase at the time of the promotion and/or may receive a pay increase upon the satisfactory completion of the period. During that time, the Department Head may cancel the promotion and assign the employee to his former position or a similar position.

3.8 Citizenship Verification. All employees initially hired after November 7, 1986, for any position with the City shall complete an employment eligibility verification statement in compliance with the Federal Immigration Reform and Control Act of 1986.

3.9 Employment of Relatives. No one shall be employed in a department where the supervisor or Department Head is a relative (as defined in this manual) or member of their household. This same policy shall apply to any individuals who become relatives or household members during their employment with the City. One may, however, be employed in a different unit of the same department or in a different department than their relative or household member. This policy will be enforced pursuant to K.A.R. § 21-32-4.

3.10 Outside Employment. Full-time employees shall not hold other positions of paid employment or accept pay for services without the prior written approval of their respective Department Heads and the City Manager. The City may cancel such approval at any time. Outside employment constitutes a City employee holding a second job with another employer. Outside employment by a full-time employee is permitted only when such employment:

- a) is considered secondary to service with the City;
- b) does not interfere with the performance of duties for the City; and
- c) does not result in a legal, financial, or ethical conflict of interest.

Employees shall not engage in private business activities during their working hours and shall not use City property or facilities for such activities.

3.11 Residency Requirement. Employees may reside outside the City except where residency within the City is required by state law or by an employment agreement. Departments may require a response time residency in order to provide efficient and timely services to citizens.

3.12 Political Activity. It is the duty and right of every employee to register and vote on all political issues. Employees are permitted to join political organizations, civic organizations, civic betterment groups, and to become involved in political activities subject to the restrictions of this section.

- (a) As private citizens, employees may participate in all political activities, including holding public office, except where holding an appointive or elective office incompatible with the employees' City employment.
- (b) Any employee desiring to become a candidate for City elected office shall first take a leave of absence without pay or resign. Should an employee on leave of absence without pay be unsuccessful in seeking such elective office, he/she shall be returned to employment on the same terms and conditions as any other employee who has taken leave of absence without pay. An employee is considered to be a candidate for elective office once all statutory requirements have been met to qualify as a candidate.
- (c) Political activity must not interfere with job attendance or performance. Employees are not permitted to solicit or handle political contributions in City elections. They are not permitted to wear or display political badges, buttons, or signs on their person or on City property during on-duty hours.
- (d) No supervisor or other person in authority shall solicit any City employee for contributions of money or labor for any candidate for elective office, or otherwise compel or attempt to compel any employee to support a candidate for elective office or to engage in any political activity.
- (e) The purpose of this policy is to prevent and avoid the appearance of impropriety on the part of any City employee. City employees are neither appointed to, nor retain, the City's service on the basis of their political affiliations or activities.

3.13 No Right to Strike. Because the public health, safety, and welfare may be adversely affected thereby, no City employees shall have the right to engage in or encourage any form of sit-down, slow-down, work stoppage, or strike, for any reason against the City. A refusal by an employee to perform an assignment injurious to his health or physical safety shall not be considered a violation of this section.

CHAPTER 4

CLASSIFICATION AND COMPENSATION

4.1 Classified Positions. All City employees are either classified or unclassified employees. Classified employee positions shall be full-time, shall have a job description and shall be paid pursuant to the City of Paola's Position Classification Pay Plan ("Pay Plan"). Classified employees may be exempt or non-exempt, as designated by the City.

4.2 Unclassified Positions. Employees working part-time or for only part of a pay period on a temporary or seasonal basis shall be unclassified positions. Elected employees shall be unclassified positions. All other unclassified positions shall be designated by the City Council and set out in the City's Pay Plan. Unclassified positions are not governed by the Pay Plan. However, the City may establish the hourly wage for part-time and temporary employees consistent with the Wage Range for a like or similar Classified Employee Position. The City Council shall establish budgeted salaries for all elected officials by resolutions. The salary for the City Manager shall be established by employment agreement with the City Council.

4.3 Position Classification Pay Plan & Pay Grades. The Pay Plan shall establish position descriptions and allocate pay grades to the various positions relative to the requirements as set out in the position descriptions. The City's Pay Plan and pay grades apply only to classified employees. The City Council shall adopt and update pay grades as necessary and within budgetary constraints. The Pay Plan and pay grades may be obtained from the Human Resources Department.

4.4 Job Descriptions. Each classified position shall have a concise descriptive title, a description of the duties and responsibilities, and a statement of the qualifications for filling such position. Unclassified positions may have a job description as established by the City Manager. Job descriptions shall be approved by the City Manager, shall be kept on file in the Human Resources Department, and shall be open to inspection by any interested party during regular office hours.

4.5 Performance Evaluations.

- (a) **General.** It is the City of Paola's desire to fairly assess the performance of all employees and provide merit based salary increases within budgetary constraints.
- (b) **Performance Evaluations.** New employees will be formally evaluated following six months of full-time employment and on the employee's employment anniversary date each year annually thereafter. Employees may be evaluated at any time for exceptional reasons or for unsatisfactory performance.
- (c) **Merit Increases.** Merit or performance pay increases shall be given in the form of an increase in an employee's wage within the Wage Range as established by the Pay Plan. Merit or performance pay increases, if given, shall accompany the completed performance evaluation and submitted to the City Manager along with a completed Personnel Status Form. All merit increases shall be given at the discretion of the City subject to an annual appropriation by the City Council and the current financial condition of the City. Merit increases may be suspended or terminated at any time at the discretion of the City. Merit increases shall become effective at the beginning of the pay period of the employee's performance evaluation and approval of any pay increase by the City Manager.

4.6 Dates of Pay. Employees shall be paid bi-weekly. When a payday falls on a holiday, every possible effort will be made to have the paychecks ready for release to the departments by 5:00 PM on the preceding business day.

4.7 Payroll Deductions. In addition to applicable federal, state and local income taxes, the City shall deduct for premiums or contributions to insurance, retirement, or other authorized deductions from the

employee's paycheck. The City must also deduct for contributions to KPERS (Kansas Public Employees Retirement System) pursuant to state law (K.S.A. 74-4901). The City is required to recognize certain court orders, liens, garnishments and wage assignments and may deduct pursuant to those orders and mandates.

The City prohibits improper deductions. If an employee has a question about any deduction from his or her paycheck, the employee should contact the Human Resource Director immediately. Complaints related to possible improper deductions shall be made in writing to The Human Resources Director or the City Manager.

4.8 Exempt Employees. Some City employees are exempt from overtime pay and minimum wage provisions. Employees employed in administrative, executive, or professional positions, as defined by the Federal Fair Labor Standards Act, are exempt and shall not be eligible for overtime compensation. The Human Resource Department shall maintain a list of the names of employees exempt from overtime compensation.

In recognition of the time exempt employees spend outside of normal working hours to fulfill their job requirements, thirty-two (32) hours of compensatory time will be granted to each exempt employee on January 1st of each year. This compensatory time may not be "cashed in" and may not be carried over from one year to the next.

4.9 Overtime and Compensatory Time. This overtime and compensatory time policy does not apply to exempt employees as defined in Section 4.8. Employees may be asked to work overtime by their respective supervisors. Overtime must be approved and authorized by the employee's supervisor prior to performance of the work. Failure to obtain approval can result in disciplinary action.

Overtime compensation shall be paid to all seven (7) day general employees who work more than forty (40) hours in a work period. Compensation for overtime work shall be at the rate of one and one-half times the employee's regular pay.

When calculating overtime, the employee's regular hourly rate will not include: (1) payments made for periods when no work is performed such as Stand-By Status, vacation, illness, insufficient work, compensatory time or other cause; (2) reasonable payments for traveling expenses, or other expenses, incurred by an employee in the furtherance of the City's interests and reimbursable by the City; and (3) other similar payments to an employee which are not made as compensation for his hours of employment. Overtime on Holidays will be paid pursuant to Section 6.1.

At the discretion of the respective Department Heads and the City Manager, employees who qualify for overtime pay may be given compensatory time off in lieu of cash payments for the overtime worked. Compensatory time will be calculated by multiplying the hours of overtime worked by one and one-half. An agreement or understanding between the City and the employee to use compensatory time off in lieu of overtime pay will be presumed to exist with respect to any employee who fails to express to the City an unwillingness to accept compensatory time off in lieu of overtime pay.

Employees will be urged to take compensatory time off at the earliest time convenient to both the employee and the City. The City will have the option of paying wages in the amount equal to the compensatory time accrued or of continuing to carry forward the compensatory time. No employee shall be allowed to accrue more than sixty (60) hours of compensatory time, representing forty (40) hours of actual overtime worked. Compensatory time may not be "cashed in" except accrued compensatory time will be paid to the employee or heirs, whichever the case may be, upon the employee's separation from employment with the City, at the final regular rate earned by the employee.

4.9 a. Donated Time. The City recognizes that there are and will continue to be times that for one reason or another non-exempt employees will wish to donate time worked. The City is appreciative but to do so is against City policy and federal law. This is considered falsifying time and may result in disciplinary action up to and including termination.

4.10 Call-Back Time. This call-back time policy does not apply to exempt employees as defined in Section 4.8. If an employee has left his or her place of work and is called back for duty, the employee shall be paid for at least two (2) hours. This time shall be included in calculating overtime. Emergency mandatory call back time that is outside of normal working hours shall be paid at a rate of one and one-half times the employee's regular rate of pay regardless of other time worked.

4.11 a. Stand-By Status. This stand-by status policy does not apply to exempt employees as defined in Section 4.8. If an employee is scheduled for stand-by status, the employee shall be compensated with four (4) hours of compensatory time for each week of stand-by status served. If an employee is scheduled for stand-by status on a City designated and/or actual holiday and is not called back for duty, the employee shall be paid for two (2) hours at employee's regular rate of pay.

4.11 b. On-Call Status. This on call status policy does not apply to exempt employees as defined in Section 4.8. If an employee is placed on on-call status, the employee will receive no compensation until requested to report for actual duty.

Employees are not required to remain at home while on stand-by or on-call status. However, the stand-by or on-call employee must remain within a reasonable commuting distance. Additionally, the employee must leave a telephone number where he/she can be contacted when not at home or carry a cell phone, pager or other electronic instrument.

4.12 Travel Time. Commute time between the employee's home and work place in the course of the employee's normal work shift shall not be included as time worked.

Two rules apply to out of town travel, depending on whether the assignment requires an overnight stay. If an employee is given a one day assignment in another city, which does not require an overnight stay, all of the time spent traveling between cities is counted as "hours worked." However, travel time between the employee's home and an airport or train station, during the employee's departure or return, is considered the equivalent of travel between home and work, and is not counted as "hours worked."

If the employee is on an out of town assignment which requires an overnight stay, travel time is counted as "hours worked" only to the extent that it coincides with the employee's regular workday. Travel that occurs during hours of the day in which the employee normally works is counted as work time, even if it falls on a day that is normally a non-working day for the employee (for example, a Saturday or Sunday). If, on the other hand, the travel occurs during hours that are outside the employee's regular workday, it is not counted as "hours worked."

4.13 Pay at Termination. All employees who terminate their employment with the City, voluntarily or involuntarily, will be paid on the next regular payday. Checks will be mailed unless other arrangements are requested and agreed to by both the City and exiting employee.

Employees must resign in good standing and give a minimum of two weeks notice to receive payment for unused vacation time, personal time, and compensatory time; and twenty-five (25) percent of accrued, unused sick hours.

Employees will not be granted sick leave once a resignation has been submitted and accepted. However, the City Manager will have the authority to grant sick leave after resignation based upon extenuating circumstances.

Employees who fail to resign in good standing, discharged for cause, or who voluntarily terminate City employment without giving a minimum of two (2) weeks notice, shall not receive pay for any accrued benefits other than unused vacation and any accumulated compensatory time.

Employees who are being laid-off and work through their last scheduled work day will be paid for unused vacation time, personal time, and compensatory time; and twenty-five (25) percent of accrued, unused sick hours. If an employee is reinstated within ninety (90) days after a lay-off and had received twenty-five (25) percent of his/her sick leave at the time of the lay-off, seventy-five (75) percent of the sick leave balance will be reinstated.

4.14 Christmas and Special Occasion Bonuses. The City may, solely in its discretion, distribute to City employees gifts or payments in the nature of gifts at Christmas time or on other special occasions, as a reward for service. The City Council shall determine, in its discretion, the amount of the gift or payment in the nature of a gift but such payment will not be measured by or dependent on hours worked, production, or efficiency. The City Council shall determine a fair and equitable method of distribution of any gift or payment in the nature of a gift, and such amounts may vary among the different employees or groups of employees according to their salary or regular hourly rate of such employees or according to their length of service with the City.

CHAPTER 5

ATTENDANCE

5.1 Hours of Work. The following hours of work are established:

The normal workweek for non-exempt employees shall be forty (40) hours in a seven (7) day work period. Unless otherwise specified, the normal working hours for employees shall be 8:00 AM to 5:00 PM. This includes a one (1) hour lunch break, five (5) days per week. Department Head may alter working hours with the permission of the City Manager.

These hours of work do not apply to the City Fire Department or Police Department.

5.2 Recording Time Worked. Each non-exempt employee shall be required to maintain an approved time card of hours worked. Any authorized use of sick leave, injury leave, funeral leave, vacation time, holiday leave, or other leave time which an employee is eligible to receive with pay, shall be recorded by the Department Head on the employee's card.

Exempt employees shall record all leave time (sick time, vacation, etc.) and the same shall be recorded by the Human Resources Director in the employee's payroll records.

5.3 Punctuality, Illness, and Absenteeism. The City will try to accommodate an employee who has been ill and will continue in this effort whenever illness occurs or personal emergencies cause absences or lateness. However, the City's success depends on each employee being at work each time they are scheduled to work. Absenteeism or tardiness places an extra burden on other employees and causes a general interruption in City services. It is every employee's responsibility to be at work on time unless prior arrangements have been made to cover your scheduled shift.

If you are unable to work a scheduled shift, you are required to notify your supervisor at least twenty-four hours in advance, except when leave is necessitated by an emergency or sudden illness. The procedures for requesting and reporting illnesses are found in Section 6.3. Misuse of sick time as defined in Section 6.3 may result in disciplinary action, up to and including termination. Examples of misuse of sick time may be: real or perceived patterns of absenteeism such as the day before or after a weekend, holiday or vacation day; calling in sick on a day that was previously denied for other leave; any other similar patterns. These are examples only and not intended to be a full or complete list of sick leave abuse. Failure to notify your supervisor of leave in advance will be considered an unexcused absence that may result in disciplinary action, up to and including termination.

Employees are expected to report to work as scheduled. If the employee does not report to work as scheduled and fails to notify the supervisor within 30 minutes of scheduled starting time, the employee will be considered tardy. Notification to the supervisor does not excuse the tardiness but simply notifies the supervisor that a schedule change may be necessary. Employees who are tardy with or without notification three (3) or more times within a six (6) month period may be subject to disciplinary action, up to and including termination.

5.4 Mandatory Attendance. The City has the responsibility to the employees to provide the best training available within budgetary constrictions. To accomplish this requirement, the employees may be required to attend mandatory training. Mandatory training will be paid per Section 4.9. Employees who fail to report for mandatory training shall not be granted any type of leave pay to cover said absence without City Manager approval. Employees who fail to attend mandatory training shall be subject to disciplinary action up to and including termination.

CHAPTER 6

LEAVE

6.1 Holiday Leave. The following days shall be paid holidays for City employees:

- New Years Day, January 1
 - Martin Luther King Day, third Monday in January
 - President's Day, third Monday in February
 - Memorial Day, last Monday in May
 - Independence Day, July 4
 - Labor Day, first Monday in September
 - Veterans Day, November 11
 - Thanksgiving, fourth Thursday in November
 - Friday following Thanksgiving
 - Christmas, December 25
- (a) Shift employees whose regular day off falls on a holiday shall receive 8 hours compensation for the holiday.
- (b) Shift employees and other non-exempt employees who work on the holiday shall receive compensation plus premium pay of one and one-half times their regular compensation for the time actually worked.
- (c) Holidays that occur during an approved leave of absence with pay are not charged as days of leave taken.
- (d) If a holiday falls on a Saturday, it shall be observed the preceding Friday; if it falls on a Sunday, it shall be observed the following Monday.
- (e) If an employee incurs overtime during a holiday work week, the premium pay qualifies as an overtime premium and will be credited toward statutory overtime compensation due.

6.2 Vacation.

- (a) Full-time employees are entitled to paid vacation leave time according to one of the following schedules:

Full-time employees hired prior to January 1, 1992:

The employee shall be credited with ninety-six (96) hours for each year for up to ten (10) years. Employees with more than ten (10) years of service shall be entitled to eight (8) additional hours for each year of service longer than ten (10) years.

Vacation leave not taken within one (1) year after it is earned shall be cancelled. In the event of extenuating circumstances, the employee or department head may request permission to carry over said vacation leave. All requests shall be in writing and presented to the Human Resources Director. If the requested carry over is more than two (2) weeks, the City Manager must give written approval of said leave carry over.

Full-time employees hired after January 1, 1992:

Years of Continuous Employment:	0 to 5	5 to 10	10 to 15	Over 15
Hours Earned Per Bi-weekly Pay Period:	3.6923	4.6153	5.5384	6.4615

sick hours in the calendar year shall be required to utilize 8 hours of vacation, personal, compensatory time, or a day without pay before sick leave is accessible unless a physician's statement is provided. Unscheduled sick leave is sick leave which has not been approved the prior work day or before. Undocumented sick leave is leave that cannot be verified with a physician or dental certification.

- (h) **Misuse of Sick Leave.** Misuse of sick leave is defined as use for which it was not intended or provided or a pattern of abuse. Pattern of abuse may include the following:
- a. Before and/or after holidays.
 - b. Before and/or after weekends or regular days off.
 - c. After pay days.
 - d. Any one specific day.
 - e. Absence following overtime worked.
 - f. Continued pattern of maintaining zero or near zero leave balances.
 - g. Excessive absenteeism. Uses more sick leave than granted.
 - h. Usage of sick leave on days previously requested and denied as vacation.
 - i. Failure to produce requested medical documentation.
 - j. Any pattern of absenteeism which is discernible and in the opinion of the Department Head and Human Resource Director constitutes a perceived pattern of absenteeism.

This list is not considered all inclusive and other circumstances may be considered misuse or patterns of abuse. An employee who improperly claims sick leave or misuses sick leave shall be subject to disciplinary action, including counseling, loss of pay, suspension or termination at the discretions of the City Manager.

- (i) **Pay at Termination.** Employees shall receive payment for unused sick leave upon termination as stated in Section 4.13.

6.4 Family and Medical Leave. The City provides up to twelve (12) weeks of job-protected leave to eligible employees in accordance with the Family Medical Leave Act and up to twenty six (26) of special leave entitlement to care for a covered service member. The leave may be paid, unpaid or a combination of paid and unpaid leave.

To be eligible for any family or medical leave under this policy the employee must meet all of the following conditions: worked for the City for at least one (1) year, and worked one thousand two hundred fifty (1,250) hours during the twelve (12) month period immediately before the date when the requested leave is to begin.

Basic Leave Entitlement

To qualify as FMLA twelve (12) week leave the employee must be taking job protected leave for the following reasons:

1. For incapacity due to pregnancy, prenatal medical care or child birth.
2. To care for the employee's child after birth, or placement for adoption or foster care.
3. To care for the employee's spouse, son, daughter or parent, who has a serious health condition
4. For a serious health condition that makes the employee unable to perform the employee's job

Military Family Leave Entitlements

Eligible employees whose spouse, son, daughter or parent is a covered activity duty or call to covered activity duty status may use their twelve (12) week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative

childcare, addressing certain financial and legal arrangements, attending certain counseling sessions and attending certain counseling sessions, and attending post-deployment reintegration briefings.

FMLA also includes a special leave that permits eligible employees to take up to 26 weeks for leave to care for a covered service member during a twelve (12) month period. A covered servicemember is:

1. A current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness*.
2. A veteran who was discharged or released under conditions other than dishonorable at any time during the five (5) year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran, and who is undergoing medical treatment, recuperation or therapy for a serious injury or illness.

***The FMLA definition of “serious injury or illness” for current service members and veterans are Distinct from the FMLA definition of “serious health condition”.**

FMLA to care for a covered service member is the only type of FMLA leave that may extend an employee’s leave beyond the twelve (12) weeks to twenty six weeks (26) maximum. All FMLA leave is combined when totaling the twenty six week (26) maximum.

If a husband and wife both work for the City and each wishes to take leave for the birth of a child, adoption or placement of a child in foster care, or to care for a parent (but not a parent-in-law) with a serious health condition, the husband and wife may only take a combined total of twelve (12) weeks leave.

If a husband and wife both work for the City and each wishes to take leave to care for a covered service member, the husband and wife may only take a combined total of twenty six (26) weeks of leave allowed under Military Family Leave Entitlements.

- (a) **Commencement of Family and Medical Leave.** Absences commencing during the time of family and medical leave should be handled under sick leave, vacation leave, authorized leave without pay, or a leave of absence. The employee may not be compelled to use sick leave or vacation leave in any particular order; however, the employee must utilize all paid leave before leave without pay. The employee must state in what order he/she desires to utilize paid leave. The employee is then covered by the appropriate policy.
- (b) **Certification of Leave.** Certification of a serious health condition issued by a health care provider will be required for an employee requesting FMLA leave for them self.

An employees requesting FMLA leave for care of a spouse, child or parent will be required to provide certification by the health care provider of that family member.

An employee requesting FMLA under the activity duty or call to activity duty provision must provide proof of the qualifying family member’s call-up or active military service before leave maybe granted.

An employee requesting leave under the injured service member leave provision must provide certification of the family member or next of kin’s injury, recovery or need for care. An employee requesting FMLA leave under the injured service member leave provision for next-of-kin may be asked to provide proof of relationship.

- (c) **Doctor's Release.** A Department Head shall require an employee returning from a pregnancy or pregnancy-related condition to have a doctor's release following the end of the pregnancy. The release must specifically state whether or not the employee is capable of fulfilling full job duties and the date the employee is released.
- (d) **Pregnancy.** No employee shall be compelled, coerced, or ordered to begin maternity leave at any time during the period of pregnancy. Pregnancies and disabilities caused or contributed to by pregnancy shall be considered and treated as temporary disabilities. Employees affected by pregnancy and related conditions must be treated the same as other employees on the basis of their ability or inability to work.
- (e) **Maternity and Paternity Leave.** Birth parents, adoptive parents, and foster parents shall be considered for maternity/paternity leave at the time of birth, adoption, or placement. If the birth, adoption, or placement is reasonably foreseeable, the employee shall provide the City with at least thirty (30) days notice before the leave is to begin. If the birth, adoption, or placement is not reasonably foreseeable, the employee should notify the City as soon as practical. The employee may request a total of up to twelve (12) weeks of maternity/paternity leave in a twelve (12) month period.
- (f) **Restoration:** An employee returning from family leave will be entitled to return to their position or to a position with equivalent benefits, pay, and other terms and conditions of employment.
- (g) **Health Insurance Coverage:** The City will continue to provide health care coverage under the same provisions as prior to the leave. Where the employee fails to return from leave, the City can recover its share of premiums that have been paid on behalf of the employee to maintain health care coverage. If failure to return to work is due to the continuation, recurrence, or onset of a serious health condition beyond the employee's control, the employee will not be liable for the City's share of health care premiums paid while on family leave. In such cases, a certification issued by a health care provider may be required.

6.5 Training Leave. This policy does not apply to exempt employers as defined in Section 4.8. If an employee is **required** to attend training events outside of normal working hours, he/she shall be paid for the additional time. In cases where the training is taken **voluntarily** to improve the employee's productivity and the value of his/her work to the City, the City may pay part or all of the tuition upon the recommendation of his/her Department Head and approval of the City Manager.

6.6 Military Duty Leave. "Uniformed services" means the Navy, Marines, Army, Air Force, the Army National Guard, the International Guard and the Commissioned Corps of the Public Health Service, and any other category designated by the President in time of service or emergency. "Military Duty" means the performance of duty on a voluntary or involuntary basis in a uniformed service and includes active duty, active duty for training, initial active duty for training, inactive duty training, full-time National Guard duty and a period for which a person is absent from employment for the purposes of an examination to determine the fitness of the person to perform any such duty.

- (a) **Discrimination Prohibited.** The City prohibits discrimination against a person who is a member of, applies to be a member of, performs, has performed, applies to perform, or has an obligation to perform service in a uniformed service. In general, such individuals shall not be denied initial employment, re-employment, retention employment, promotion or any benefit of any employee based on membership in the uniformed services, application for membership, performance of service, application for service or actual service obligation. This discrimination policy applies to both regular and temporary employees.
- (b) **Leave of Absence.** Any employee, except a temporary employee, who leaves City service for military duty shall be placed on military leave without pay. Employees shall give advance notice

of the leave, except no prior notice of the leave is required if it is precluded by military necessity or the giving of such a notice is impossible or unreasonable.

- (c) **Use of Accrued Leave.** Employees are permitted to use any accrued leave such as vacation leave or other leave with pay toward military leave. However, the City does not require employees to use paid vacation leave to apply toward military leave.
- (d) **Re-employment.** An employee returning from military leave shall be entitled to re-employment to his/her former position or a position of like pay and responsibility if:
1. employee provides advance written or verbal notice of military leave unless employee is precluded from providing such a notice by military necessity or the giving of such a notice is impossible or unreasonable;
 2. employee has five years or less of cumulative service in the uniformed services while with that particular employer;
 3. employee applies for reemployment in a timely manner after conclusion of service as set forth below; and
 4. employee has not been separated from service with a disqualifying discharge or under other than honorable conditions.

Except an employee shall not be re-employed when:

1. The City's circumstances have so changed as to make such re-employment impossible or unreasonable;
 2. The person entitled to re-employment due to a disability or is no longer qualified for the prior position and employment imposes an undue hardship on the City;
 3. The employment from which the employee leaves to serve in the uniformed services is a temporary job and there is no reasonable expectation that the job will continue indefinitely or for a significant period.
- (e) **Notice to Return to Work.** Employee must provide notice to return to work within the required time period based on the length of military duty as set forth below:
1. *Less than 31 days:* First full regularly scheduled work period following completion of service (with an eight-hour period for safe transportation);
 2. *More than 30 days but less than 181 days:* Fourteen days after the completion of service (or if impossible or unreasonable through no fault of the person, the next first full calendar day when application becomes possible);
 3. *More than 180 days:* Not later than 90 days after the completion of service;
 4. *A person who is hospitalized or convalescing:* At the end of the period that is necessary for the person to recover.
- (f) **Vacation and Sick Leave.** Upon restoration to City service, the employee shall be restored all vacation and sick leave credits unless he/she was paid for unused vacation leave at the time of induction or enlistment.
- (g) **Health Benefits.** Employees performing military duty of more than 30 days may elect to continue City-sponsored health care for up to 24 months; however, they may be required to pay *up to* 102 percent of the full premium. For military service of less than 31 days, health care coverage is provided as if the service member had remained employed. USERRA clarifies pension plan coverage by making explicit that all pension plans are protected.
- (h) **Other Benefits.** Employees who are re-employed are entitled to all seniority-based benefits he or she would have accrued had the employee not gone on military leave. An individual returning from military leave is entitled to all benefits not based on seniority in the same manner as any

employee on a leave of absence would be able to accrue under other City policies. If an employee is required to pay a portion of the cost for non-seniority-based benefits, the employee on military leave is required just like all other employees to pay a portion.

- (i) **Military Training.** Any employee who is a member of any reserve component of the United States armed forces of the National Guard shall be granted military leave for a short tour of active duty or field training encampment. In those cases where military pay is less than the employee's regular salary, an employee may be compensated for the difference in his/her military pay and his/her City salary for a period not to exceed fourteen (14) days.

6.7 Workers Compensation Leave. The City recognizes the financial strains that an employee faces when injured on the job. Employees who are injured on the job and who qualify for Workers Compensation benefits will continue to be compensated by the City while they are off work and recuperating from their injuries.

Compensation to the injured employee shall be at the rate of pay that the employee was receiving at the time of the injury and will continue for a maximum of thirty (30) calendar days from the date of the accident. Any Workers Compensation benefits received by the employee during this thirty (30) day period shall be reimbursed to the City. If an employee is off work for longer than thirty (30) calendar days, compensation by the City shall terminate and the employee shall have the option of using vacation, sick, or compensatory time until exhausted. Workers Compensation benefits paid beyond this thirty (30) day period shall be retained by the employee.

An employee who is seriously injured and who faces an extended recovery period may appeal to the City Manager for an extension of unreduced compensation for any period of up to six (6) months while in rehabilitation. Should the City Manager approve an extension of unreduced compensation, any Workers Compensation benefits received by the employee during the extension shall be reimbursed to the City. The City Manager may grant more than one extension to an employee during the same rehabilitation period.

If an employee is off work for a longer period than covered by unreduced compensation, the employee shall have the option of using vacation, sick, and compensatory time until exhausted.

It is the policy of the City to return employees to work within the restrictions provided by the physician and as provided in the City's Return to Work Policy. (See Chapter 11)

6.8 Personal Leave.

(a) **Annual Personal Leave.** Full time employees who are not in an initial training status will be given eight (8) hours of personal time at the beginning of the calendar year with pay. Personal leave will be given no later than the second payroll in the calendar year. Personal leave is subject to the schedule of the supervisor and should be used before December 1st of said calendar year. If personal leave is not used during the year, it shall be forfeited at the end of the year without any payment due to the employee. Personal time may be taken in one hour increments.

(b) **Bonus Personal Time.** Bonus personal time shall be rewarded to employees not using sick leave as prescribed by the following schedule:

<u>Hours of Sick Leave Used</u>	<u>Personal Hours Awarded</u>
0 - 3	24
3.5 - 8	16
8.5 -16	8
16.5 or more	0

*To qualify for bonus personal time, an employee must have been employed by the City for the entire calendar year. Bonus personal time will be awarded no later than the fourth pay period of the calendar year and must be used prior to the end of the calendar year that it is awarded or it shall be cancelled without any payment due to the employee. Bonus personal time may be taken in 1 hour increments.

*To qualify for bonus personal time, an employee must have been employed by the City for the entire calendar year. Bonus personal time will be awarded no later than the fourth pay period of the calendar year and should be used by December 1st of said calendar year. Bonus personal leave must be used prior to the end of the calendar year that it is awarded or it shall be cancelled without any payment due to the employee. Bonus personal time may be taken in 1 hour increments.

(c) **Pay at Termination.** Employees shall receive payment for unused personal leave upon termination as stated in Section 4.13.

6.9 Bereavement Leave. Bereavement leave is granted to an employee to attend to personal obligations and to allow an employee to maintain their normal salary. In the case of a death of a member of an employee's immediate family, full-time and part-time employees shall be granted paid bereavement leave not to exceed three (3) consecutive working days. Employees may extend the bereavement leave for an immediate family member by utilizing their vacation, sick, personal, wellness or earned compensation time. If the death is of a person who is not a member of the immediate family, the employee may use the same leave hours as for extended bereavement for immediate family with the approval of the employee's supervisor.

6.10 Civic Duty Leave. An employee may take leave to serve as a member of a jury, upon being called as a witness because of his/her City position in any court, and to vote. During the period of leave to serve as a member of a jury or testify as a witness because of his/her City position, the employee shall receive regular pay less any amount paid for performing such public service. An employee whose public service duty is completed before the end of his/her normal workday with the City shall return to his/her City post of duty.

Employees shall furnish a copy of any court document, which requires an employee to serve on jury duty or to appear in court as a witness; and shall submit a copy of any check received for such duty or appearance to the Human Resources Director for an adjustment of pay.

Employees are entitled to take paid leave for up to two (2) consecutive hours to vote IF the polls are not open at least two (2) hours before or after the employee's work schedule. The City has the right to schedule the hours, and will not schedule them over the lunch hour. For example, if the employee is scheduled to work from 8 a.m. to 5 p.m., and the polls open at 7 a.m. and close at 6 p.m., the City may, in its discretion, schedule an employee to take one hour of paid leave to vote from 8 a.m. to 9 a.m. or from 4 p.m. to 5 p.m.

Employees shall obtain approval from Department Heads to appear in court in a personal court case, and the time off may be charged to the employee's accrued vacation or taken without pay.

6.11 Wellness Activity Leave. All Full and Part Time Employees are eligible and encouraged to participate in wellness activities organized and planned by the City's Wellness Committee. Wellness activities may be rewarded with wellness leave time hours.

Wellness leave may be rewarded at the conclusion and finalization of any wellness activity in which leave hours were a pre-determined reward. Wellness leave hours may accrue up to twelve (12) hours. Use of wellness leave is subject to the scheduling and approval of the department Head. Wellness hours may be taken in hourly increments.

Wellness leave that is not used at time of termination, either voluntary or involuntary will be forfeited without any payment to the employee.

6.12 Leave Without Pay. A Department Head may grant leave without pay upon approval by the City Manager for compassionate reasons or compelling personal reasons. Length of service, quality of performance, and urgency of the need shall be taken into account in granting such a request.

6.13 Educational Leave. Upon written request from an employee, educational leave of absence without pay may be granted not to exceed twelve (12) calendar months for course work related to the employee's position.

6.14 Conferences, Meetings, and Official Leave. The City Manager, upon written request of the employee, may grant leaves for conferences and meetings in the interest of the City. Expenses shall be submitted on the appropriate written form for consideration of reimbursement.

6.15 Leave for Victims of Violence. An employee is eligible for leave if they are the victim of domestic violence or sexual assault. Employees shall first use accrued paid leave. If an employee does not have accrued paid leave or uses up all accrued paid leave, the employee shall be granted unpaid leave not to exceed a total of eight (8) days in a calendar year.

An employee who is the victim of domestic violence or sexual assault shall be provided leave for any of the following:

1. To obtain or attempt to obtain any relief to help insure the health, safety, or welfare of the victim or the victim's children, including, but not limited to: a temporary restraining order, restraining order, or injunctive relief;
2. To seek medical attention for injuries caused by domestic violence or sexual assault;
3. To obtain services from a domestic violence shelter, domestic violence program, or sexual assault crisis center as the result of domestic violence or sexual assault; or
4. To appear in court proceedings as a result of domestic violence or sexual assault.

In order to qualify for leave, the employee shall give reasonable advance notice to their Department Head or the Human Resources Director unless such notice is not feasible. Within forty-eight (48) hours of returning from leave, the employee shall provide the Supervisor or the Human Resources Director documentation that supports the need for the leave, which may include, but is not limited to, any of the following:

1. A police report verifying that the employee was the victim of domestic violence or sexual assault;
2. A court order of protection or other evidence from the court or the prosecuting attorney; or
3. Documentation from a medical professional, domestic violence advocate, advocate for victims of sexual assault, health care provider, or counselor for the employee verifying that the employee was undergoing treatment for physical or mental injuries or abuse resulting in victimization from an act of domestic violence or sexual assault.

The request for leave and any documentation presented by the employee to the Department Head or the Human Resources Director shall remain confidential to the extent allowed by law. Any request for, or documentation of, such leave presented to a Department Head must immediately be forwarded to the Human Resources Director under confidential cover.

6.16 Shared Leave. The shared leave program is a means to transfer vacation and sick leave to a full-time employee experiencing, either personally or by a family member, a serious, extreme, or life-threatening

illness, injury, impairment or physical or mental condition, which has caused, or is likely to cause, the employee to take a leave without pay or terminate employment.

An employee, who lacks sufficient earned sick leave to cover the period of absence because of a temporary medical disability, including pregnancy, may be granted leave without pay as described herein. A certification issued by a health care provider is required to substantiate the necessity of requested shared leave. All requests for shared leave shall be made through the Human Resources Director. The requesting employee must exhaust all types of their own leave before any donated leave may be utilized and any leave time accrued while on the requested leave will be utilized before donated leave is used.

Any donating employee may transfer up to one hundred twenty (120) hours of sick leave so long as the donating employee's sick leave does not drop below ninety-six (96) hours. Vacation leave may be donated without restrictions. All donors' and recipients' names shall be kept confidential.

An employee on shared leave status shall be treated the same as an active employee.

Donated leave shall not revert back to the employee who donated the leave for any reason. In the event an employee who has received shared leave terminates his or her employment, the shared leave shall be forfeited.

*With the approval of the City Manager, the Human Resource Director may ask for a preliminary request for donation of share leave on behalf of the employee. If the preliminary share request is granted by the City Manager only actual time utilized by requesting employee will be deducted from donating employee. The order of utilization of donated share leave time will be determined by the HR Director and/or the City Manager.

6.17 Accrual of Additional Leave Time while on Unpaid Leave. No leave, of any kind, shall be earned or credited to any employee while that employee is on any unpaid leave or suspension except as expressly provided in these policies.

6.18 Compensation for Leave Time. Leave time shall not be credited as time worked when calculating compensation owed for overtime or compensatory time.

CHAPTER 7

EMPLOYEE CONDUCT AND DISCIPLINE

7.1 At Will Status of Employment. All City personnel, except elected officials, hold their position at the will of the City and may be terminated at any time.

7.2 Authority to Discipline. The City Manager has the authority to discipline Department Heads, supervisory personnel, and all other personnel. Department Heads or supervisors are delegated the authority to discipline personnel pursuant to this policy.

7.3 General Policy. These guidelines are placed in written form for the benefit of all employees to insure fair treatment of all. The City expects all employees to conduct themselves in a professional and ethical manner at all times. The City has established standards of conduct outlined below. This list is not intended to be a complete list of misconduct that may result in immediate termination or other disciplinary action; these are merely some examples of unacceptable conduct. The City reserves the right to discipline or terminate employees for conduct not listed herein.

This list provided here does not change the fact that the City's employees are employees at will, and either the City or an employee can terminate the employment relationship at any time, with or without cause or reason, and with or without advance notice.

7.4 Examples of Conduct that May Lead to Discipline, Including Termination. The following is a list of misconduct, which may subject an employee to disciplinary action, up to and including termination. The list is not exclusive; it is only representative of the types of misconduct that can result in disciplinary action. An employee can be subject to disciplinary action if he/she:

- (a) Is convicted of any City, state or federal law.
- (b) Violates any policy or procedure contained in this Handbook or any other City or Department policy or procedure.
- (c) Violates any policy, procedure, or regulation required by state, federal or any governmental or regulatory agency.
- (d) Commits sexual harassment or discharges duties in a manner that results in discrimination to any person on the basis of race, creed, color, gender, age, physical or mental disability, or national origin.
- (e) Fails to follow prescribed safety procedures including failure to notify his/her supervisor of unsafe working conditions.
- (f) Takes or uses any funds or property of the City for personal use or for sale or gift to others.
- (g) Discloses confidential records or information, unless directed to do so by his/her Department Head or supervisor.
- (h) Experiences the revocation or suspension of a certification or license, including drivers license, when such is required as a condition of City employment.
- (i) Materially falsifies an application for City employment; makes a false statement or report in regard to any test, certification, or appointment; or attempts to commit any fraud that violates the merit principles of personnel administration.
- (j) Gives, attempts to give, or receives any monetary consideration or undeserved service to or from any person or organization for, or in connection with, any test or appointment.
- (k) Takes or offers to take from any person for the employee's personal use, any fee, gift, or other thing or service of value, in the course of his/her work or in connection with it, when such gift or other valuable thing or service is given in the hope or expectation of receiving a favor or better treatment than that accorded any other person; accepts a bribe, gift, money, or other thing of service or value intended to perform or refrain from performing any official act; or engages in any

act of extortion or other means of obtaining money or any thing or service of value through his/her position in the service of the City.

- (l) Unprofessional conduct, such as fighting, gambling on City property, discourtesy, rudeness, intimidation or threats of any kind against other employees or customers, or using vulgar or profane language to any customer, supervisor or another employee.
- (m) Displays inattention to duty, carelessness, or is responsible for the destruction or loss of public property, supplies, equipment or funds.
- (n) Possesses or uses alcohol or drugs, except where prescribed by a physician, after being afforded the opportunity to seek professional attention; uses alcohol or drugs, except for where prescribed by a physician, while on duty; or sells, offers to sale, or gives away alcohol or drugs while on duty or at the workplace.
- (o) Displays incompetence, inefficiency, or neglect of duty in the performance of his/her position.
- (p) Displays insubordination or another breach of discipline.
- (q) Displays discourteous or disruptive conduct or other offensive behavior in public, to the public, or to employees and officers of the City.
- (r) Abuses leave time or falsifies attendance records for oneself or another employee;
- (s) Makes any false claim against the City, or knowingly makes a false statement to any employee or officer of the City.
- (t) Has excessive absenteeism, or tardiness.
- (u) Leaves the workplace during scheduled shift or fails to report to work without supervisor approval.
- (v) Fails to give proper notice of absences.
- (w) Sleeps on the job.
- (x) Uses alcohol or drugs, off the job, to the extent that the employee's job performance or effectiveness as a City employee is impaired.
- (y) Induces or attempts to induce any officer or employee of the City to commit an unlawful act or to act in violation of any lawful official order or regulation.
- (z) Possesses unauthorized firearms or other weapons on the job.

7.5 Disciplinary Actions. The form of discipline is determined on a case-by-case basis and depends entirely upon the facts and circumstances of each situation. The City is not obligated to use increasingly severe means of discipline with individual employees, but is free, at and within its sole discretion, to impose the discipline it deems necessary.

The City may, in its sole discretion, take other, more-stringent disciplinary actions if it believes such action is appropriate and necessary. Under certain circumstances, the City Manager, Department Head or supervisor may determine the misconduct is so severe that termination is warranted. On all occasions, and at the discretion of the City Manager, Department Head or supervisor, the following forms of disciplinary action may be taken:

- (a) **Verbal Warning.** A verbal warning is a verbal reprimand given to an employee by his/her supervisor or Department Head. A record of the warning shall be recorded in the employee's file.
- (b) **Written Reprimand.** A written reprimand is a written notice to an employee by his/her supervisor or Department Head, a copy of which shall be recorded in the employee's file.
- (c) **Re-Training.** Re-training is a trial period of a specific length of time during which an employee is required to fulfill a set of conditions, to improve work performance, or to improve on-the-job behavior or adherence to City policies. Failure to meet the re-training requirements may result in additional disciplinary actions, up to and including termination.
- (d) **Salary Reduction.** A salary reduction is the lowering of an employee's rate of pay within the pay

range to which the employee's position is assigned.

- (e) **Demotion.** A demotion is the placement of an employee into a position of a lower pay range.
- (f) **Suspension.** A suspension is the removal of an employee from service, with or without pay, for a specific period of time.
- (g) **Reimbursement.** Payment from an employee or terminated employee who has been deemed responsible for equipment that was lost, stolen or damaged due to neglect or carelessness. Payment may be partial or total cost of replacement equipment.
- (h) **Termination.** Termination is the removal of an employee from City employment.

7.6 Investigation, Prosecution and Termination. It is the policy of the City to investigate any theft, misappropriation or diversion of assets. The City works in conjunction with local law enforcement agencies to investigate any allegations of theft, misappropriation or diversion of assets. The City may, in its discretion, secure a neutral third-party to investigate into any suspected misconduct. If third-party investigators are used, disclosure of any investigation report and its contents will be restricted to the City; any Federal or State officer, agency, or department, or any officer, agency, or department of a unit of general local government; or any self-regulatory organization with regulatory authority over the activities of the employer or employee; as otherwise required by law. The City will immediately terminate and vigorously prosecute any and all employees found to be responsible for or involved in any of these activities. It is the responsibility of all employees to report any actual or suspected theft by any individual. Failure to report such acts will be grounds for termination.

CHAPTER 8

SEPARATIONS

8.1 Resignations. An employee voluntarily terminating employment shall be terminated in good standing, providing the employee gives a minimum of fourteen (14) calendar days written notice to his/her immediate supervisor or Department Head. Under appropriate circumstances, a shorter period of notice may be approved by the employee's Department Head. Employees who fail to give proper notice or do not receive special approval for a reduced period of notice will have his/her personnel file documented with a "not subject to rehire" statement.

8.2 Return of Property. At the time of separation, an employee shall return all tools, uniforms, keys, passwords or other City property issued to him/her in the course of employment. Employee-occupied City-owned houses shall be vacated within 14 calendar days of the employee's last working day. Failure to return City property upon separation may result in civil or criminal charges.

8.3 Absences Without Leave. Any employee absent without leave who fails to return to duty within twenty-four (24) hours after having received notice to do so shall be deemed to have resigned his/her position voluntarily. Any employee absent without leave who cannot be located or contacted within forty-eight (48) hours shall be terminated. In the event that absence is caused by rare or extenuating circumstances, the City Manager may re-instate an employee to the vacated position or similar position if one is open or available and in the best interest of the City.

8.4 Layoffs. Whenever a reduction in personnel becomes necessary due to a reduction in funds, work or similar reason, layoffs order will be based on the recommendation of the Department Head. In preparing a recommended order of layoff, the Department Head shall consider the lengths of service and the job performances of the employees involved. Employees with the classifications involved generally will be laid off in the following order: temporary employees, initial training employees, re-training employees, part-time employees and regular full time employees.

Employees selected for layoff shall be provided with a written notice at least fourteen (14) calendar days prior to the layoff.

Recall of employees shall be in the reverse order of layoff. Accordingly, the first persons to be laid-off will be the last persons re-hired. Employees will only be recalled to the department from which they were laid off. Employees laid off while in initial training or in re-training status have no rights to recall.

CHAPTER 9

INSURANCE AND BENEFITS

9.1 Group Medical Insurance. Group medical and hospital insurance is available to all full-time City employees. Failure of the employee to maintain his/her portion of the premium of the insurance coverage may result in termination of the coverage, upon decision of the carrier.

The City retains the right to change benefits for health care and the basis for contribution toward health care and costs for all covered employees, including covered family members. For specific information, see the plan documents provided in the Human Resources Department.

The City complies with those provisions of the Consolidated Omnibus Reconciliation Act of 1986 (COBRA) relating to the extension of group medical insurance coverage upon termination of City employment.

9.2 Life Insurance. All eligible employees receive life and disability coverage when they become members of the Kansas Employees Retirement System (KPERs) Program. The premium for this policy is paid for by the City at no cost to the employee.

The City makes available to each employee the option of purchasing group life insurance, administered by KPERs, on a payroll deduction basis. The cost of this additional life insurance is paid by the employee and varies with the options selected by the employee.

9.3 Workers Compensation. All City employees are under the provisions of the State of Kansas Workers' Compensation Law, which provides compensation for hospitalization, medical and physical expenses, loss of pay, and death benefits for any employee injured or killed by an accident arising out of and in the course of their employment by the City. The cost of this insurance is paid in its entirety by the City.

9.4 Other Policies. The City offers several other optional insurance programs through payroll deduction entirely at the employee's expense. The City will only payroll deduct for approved plans.

9.5 Flexible Spending / Premium Conversion Plan. The City offers employees the option of participating in a Section 125 Flexible Benefits Plan. This plan allows employees to withhold pretax dollars for qualified un-reimbursed medical expense, dependent care, and premium conversion. Details on the plan will be provided to the employees annually at each enrollment period.

9.6 Payroll Deductions. Premiums or contributions to insurance, retirement, or other authorized deductions will be deducted from the employee's paycheck.

9.7 Wellness Program: The City is proactive in the health and well-being of our employees. The City throughout the year will plan events to educate and encourage employees to take charge of their overall health and activity levels.

As part of the wellness program the City offers the use of a workout facility to employees and their immediate family members. To further assist employees to become active and increase physical activity the City will provide an annual individual pool pass upon request. All facilities are located on City property and availability is provided to promote the health and well-being of our employees.

CHAPTER 10

RETIREMENT BENEFITS

10.1 Kansas Public Employees Retirement System (KPERS). All eligible City employees are required to join the Kansas Public Employees Retirement System (KPERS) program or the Kansas Police & Fire (KP&F) program. This program provides retirement benefits through joint contributions from the employee and the City. The employee's contribution will be automatically deducted from his/her paycheck at the time he/she joins the program. If an employee leaves the employment of City prior to his/her retirement, KPERS will handle any retirement or reimbursement benefits in accordance with the statutes and policies governing the KPERS program. The Human Resources Director shall assist all employees in obtaining information regarding the policies and procedures of KPERS.

10.2 Retirement Age. The retirement policy of the City shall be consistent with the federal Age Discrimination in Employment Act. Normal retirement benefits under KPERS accrue at age sixty-five (65).

10.3 Deferred Compensation. The City provides the opportunity for eligible employees to participate in the following deferred compensation plans: (1) 457 Deferred Compensation Plan.

Details for the plan regarding participation, contributions, rollovers from other plans, vesting, forfeitures, investment options, and other specific information are contained in plan documents available in the Human Resources Department.

10.4 Group Health Care Insurance for Retirees. Pursuant to Kansas State Statute 12-5040, the City shall make health care coverage available under its group health care insurance program available to retired former employees and their dependents. Please check with the Human Resource Department for more information.

10.5 – Additional Retirement Benefit Paid by the City. In recognition of the dedication of long-term employees, the City shall provide an additional retirement benefit in an amount not to exceed twenty-five (25) percent of the monthly group health insurance premium for an employee-only policy. Please check with the Human Resource Department for more information.

CHAPTER 11

WORKPLACE INJURY / ACCIDENT REPORTING

The City is subject to the workers compensation law, which provides compensation for work-related injuries or illness. If you are injured or become ill as a result of events occurring on the job, the cost of your medical care is covered. All employees are to comply with the following provisions:

11.1 Report the Accident or Illness Immediately. Employees must report injury and illness to their department supervisor, Human Resources Director or the City Clerk prior to the end of their shift. At the time of reporting the injury or illness, employees must also complete the "Employers Report of Accident" form. If medical care is needed, employees shall obtain an "Authorization for Work Comp Medical Treatment" form. This form will include information on where to go for medical treatment. For emergency situations, seek immediate emergency medical treatment.

11.2 Submit to Post-Accident Drug Screening. Employees may be required to submit to drug or alcohol screening if the employee is involved in an accident that requires medical attention.

11.3 Participate in Accident Investigation. The Accident Investigation Committee will conduct an investigation and complete the "Accident Investigation Form" within 48 hours. The completed form shall be turned over to the City Clerk for review by the Safety Committee.

11.4 Facilitate Communications Between the Doctor and the City. It is the responsibility of the employees to meet with their manager **and/or the Human Resource Director and/or** City Clerk following each doctor visit to discuss the results of the appointment. The employee will bring with them documentation with the written instructions from the physician outlining medications, days away from work, and any restriction of work or motion.

11.5 Return to Work. It is the policy of the City to aggressively return employees to work, within the restrictions provided by the physician. Department heads and supervisors will be responsible for finding productive work for each injured employee.

Temporary restricted duty work reassignment need not be confined to the current department that the employee is ordinarily employed. The Pay Grade for injured employees will be based on their pay at the time of the injury.

Returning the injured employees to work as soon as possible benefits both the employee and the City. Questions concerning this policy should be addressed to the Human Resources Director or to the City Clerk.

The City has identified and created alternative or modified work-duty tasks. Matching a worker's impaired physical capability from an injury to these tasks can control accident costs and improve employee morale and productivity.

11.6 Failure to Follow Reporting Instructions. For work related injuries, all employees will need to follow the City's reporting instructions. Failure to follow the instructions could delay workers compensation payment(s) and could result in inaccurate information, reporting, and reduced payments.

CHAPTER 12 WORKPLACE VIOLENCE AND WEAPONS

The City promotes a workplace free from violence, harassment, and threats. The City has a zero tolerance for workplace violence and reports such incidents to the appropriate law enforcement authorities.

12.1 Workplace Violence Prohibited. Workplace violence includes physical harm, shoving, pushing, harassing, intimidating, coercing, brandishing weapons, threats of violence or talk of engaging in these listed activities. Any verbal or physical conduct of a violent nature which has the purpose or effect of creating a dangerous, unsafe, intimidating or violent working environment shall constitute workplace violence. All employees are prohibited from engaging in any of these acts, or any other act that might constitute workplace violence. Any employee who does engage in such activity is subject to immediate discharge.

12.2 Weapons Prohibited. All persons, except authorized law enforcement officers, who enter City property are prohibited from carrying any weapon as defined below, regardless of whether the person is licensed to carry the weapon or not. This Policy applies to all non-law enforcement persons, including without limitation, any and all employees, guests of the City or employees, and vendors and contractors on City property. Employees, other than law-enforcement persons and animal control officers, are prohibited from carrying a weapon while engaged in the duties of the employee's employment, whether they are on City property or not. This Policy also prohibits weapons at any City-sponsored events such as parties or picnics. Any exceptions to this Policy shall be made at the sole discretion of the City Manager.

12.3 Definitions.

(a)**Weapon.** A "weapon" includes any form of weapon or explosive device including, but not limited to, all guns and firearms, explosive agents, substances or other hazardous devices, stun guns, knives, brass knuckles, Ninjitsu weapons (e.g., Asian Fighting Stars and nunchucks) or other weapons as further defined under federal, state and local laws, ordinances or regulations. The foregoing list is not all-inclusive and any additional classification of an item as a prohibited weapon shall be within the authority of the City.

(b)**City Property.** City property includes, without limitation, all City-owned or leased buildings, structures, offices, work areas, entry ways, parking area and adjoining sidewalks under the City's ownership or control. This policy also applies to all City-owned or leased/rented vehicles.

12.4 Search for Weapons. At its discretion, the City reserves the right, at any time, to conduct a search for weapons.

12.5 Violations of Policy. Violations of this policy may result in disciplinary action up to and including termination of employment. Any person who is not an employee and is determined to have violated this policy may be barred from the City's property. The City reserves the right to refer any violations of this policy to appropriate law enforcement agencies.

Employees who believe they are victims of workplace violence, who observe workplace violence or who observe violations of the prohibitions against weapons, shall immediately report such incidents to a supervisor or other management person. Reports involving any of these persons shall not be reported to that person; instead, must be made the report to one of the other persons identified.

CHAPTER 13

DRUG FREE WORKPLACE POLICY

13.1 Purposes. City of Paola recognizes that the use and abuse of drugs and alcohol in today's society are very serious problems, which have found their way into the work place. The City also recognizes the significant threat that a drug-impaired employee working in the transportation industry can pose to the safety of the worker, co-workers, and the general public. In order to address the safety threat presented by the problem of drug and alcohol abuse in the transportation industry, the Department of Transportation and the Federal Highway Administration have established extensive regulations requiring drug and alcohol testing under certain circumstances. In light of the above, the City has adopted this Drug Free Workplace Policy to specify the circumstances under which drug and alcohol testing may be required, the procedures for conducting such testing, and the methods and procedures for complying with the requirements of the regulations.

Additionally, City of Paola's drug and alcohol testing program is incorporated in an overall anti-drug policy that is designed to create a drug-free transportation industry and provide help to those employees who may suffer from problems with substance abuse. The Policy has been developed, in compliance with existing federal regulations, in a manner that ensures accurate and reliable test results, and thereby contains procedures designed to recognize and respect the dignity and privacy of all of our employees. More importantly, the City recognizes that its employees are its most valuable resource and the City wants to assist any employee who feels that he/she may have a problem with substance abuse.

A separate policy defines the employee assistance program of City of Paola.

13.2 Policy. The unlawful manufacture, distribution, dispensation, possession, or use of illegal drugs or drug paraphernalia or abusive use of legal drugs, alcohol or other intoxicating substances while on City premises and/or business, while driving vehicles owned, rented or leased by the City, or in a manner that may impair performance of job duties is strictly prohibited. No employee shall perform work for the City under the influence of alcohol or while the employee is using controlled substances, except when such use is pursuant to instructions of a licensed medical practitioner who has advised the employee that the substance will not adversely affect the employee's ability to perform such functions. Employees shall not perform any safety sensitive function within four hours of consumption of alcohol. Cooperation and compliance with this Policy (as with all other City policies and procedures) is a condition of continued employment for all employees.

13.3 Definitions. As used in this Chapter, and Chapter 14, the following definitions shall apply:

- (a) **Accident:** Under FHWA regulations (49CFR §382.303) an accident is defined as an occurrence involving a commercial motor vehicle operating on a public road which results in (1) a fatality, or (2) bodily injury to a person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident, or (3) one or more motor vehicles incurring disabling damage as a result of the accident, requiring the vehicle(s) to be transported away from the scene by a tow truck or other vehicle.
- (b) **Alcohol:** The intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols including methyl and isopropyl alcohol.
- (c) **Applicant:** An individual offered employment in, or being promoted or transferred to, a safety sensitive position.
- (d) **Breath Alcohol Technician (BAT):** An individual who instructs and assists individuals in the alcohol testing process and operates an EBT.
- (e) **Collection Site Agency:** A facility designated by the Consortium as the collection site for drug screening samples (urine) and breath alcohol testing. For purposes of this policy, the collection site is not the testing laboratory.

- (f) **City Of Paola Property:** All areas in which City of Paola operates including actual premises, parking lots, owned or leased equipment, lockers, desks, work areas and buildings, storage facilities, etc.
- (g) **Drug:** Any chemical substance that, when consumed, tends to produce a physical, mental or emotional change.
- (h) **Drug Screening:** Procedure to eliminate negative urine specimens from further considerations.
- (i) **Drug Testing:** An analytical procedure which identifies the presence of a specific drug or metabolite and which uses a different chemical principle from that of the initial test to insure reliability and accuracy. At this time gas chromatography/mass spectrometry (GC/MS) is the accepted standard confirmation method for cocaine, marijuana, opiates, amphetamines and phencyclidine.
- (j) **Evidential Breath Testing Device (EBT):** An EBT approved by the National Highway Traffic Safety Administration (NHTSA) for the evidential testing of breath and placed on NHTSA's "Conforming Products List of Evidential Breath Measurement Devices" (CPL).
- (k) **Employee Assistance Program (EAP):** A program to help employees, and often their families, recognize and overcome personal problems that are interfering with the employee's work performance. This is an extension of the performance appraisal process and is designed to reach performance problems that cannot be remedied by training, education, or other employer-controlled factors. Among the many personal problems, an Employee Assistance Program may deal with, are alcohol and drug abuse.
- (l) **Impaired:** Under the influence of an illegal or legal drug whereby the employee's senses (i.e. balance, reaction, sight, hearing, reflex) or judgment are affected.
- (m) **Legal/Prescribed Medication/Drugs/Controlled Substance:** Drugs an individual may be taking, under the direction of a licensed physician, to address a specific physical, emotional or mental condition.
- (n) **Medical Review Officer (MRO):** A licensed physician who reviews and interprets positive results of confirmatory tests and evaluates those results together with medical history or any other relevant biomedical information to confirm positive results. This person has knowledge of substance abuse and appropriate medical or forensic training.
- (o) **(Confirmed) Negative Result:** No detection of an illegal substance, in the pure form of its metabolites at or above the threshold level, by a drug screen test.
- (p) **(Confirmed) Positive Result:** The detection of an illicit substance, in the pure form of its metabolites, at or above the specified threshold by two (2) consecutive drug screening tests which employ different test methods and which was not determined by the appropriate medical, scientific, professional testing or forensic authority to have been caused by alternate medical explanations or scientifically insufficient data. All positive results are intensively reviewed by a MRO.
- (q) **Safety Sensitive Positions:** Those positions that require performance of safety-sensitive functions so fraught with risk of injury to others that even a momentary lapse of attention can have disastrous consequences. This includes, but is not limited to, drivers of commercial vehicles with (1) a gross weight rating of 26,001 pounds or more or combination vehicle (weighing at least 26,001 pounds; (2) designated to transport 16 or more passengers including the driver; (3) transporting hazardous materials in amounts requiring placarding; (4) drivers covered by the Kansas Department of Transportation or the United States Department of Transportation regulations regarding drug testing; (5) police officers and (6) any other positions the City designates as safety-sensitive, as consistent with federal, state and local law.

- (r) **Substance Abuse Professional (SAP):** A licensed physician (Medical Doctor or Doctor of Osteopathy), or a licensed or certified psychologist, social worker, employee assistance professional, or addiction counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission) with knowledge of a clinical experience in the diagnosis and treatment of alcohol and controlled substances-related disorders.
- (s) **Testing Laboratory:** A laboratory certified by the Department of Health and Human Services (DHHS) and the Substance Abuse and Mental Health Services Administration (SAMHSA) to perform drug testing of urine specimens obtained at the collection site.

13.4 Responsibilities.

- (a) The City Manager or his/her designee is responsible for the implementation and conformance of City of Paola's drug and alcohol testing policy to 49 C.F.R. Parts 40 and 382 pertaining to record-keeping and confidentiality of the drug testing process. In addition, qualified trained supervisors or company officials will be responsible for employee observation.
- (b) Failure to comply with this policy may lead to disciplinary action up to and including termination from employment.
- (c) Unless an employee's physician has advised the employee that the controlled substance they are taking does not adversely affect the ability to safely operate a commercial motor vehicle, an employee should not drive under the influence of a prescribed controlled substance.
- (d) In relation to reasonable suspicion testing, qualified supervisors, and company officials, are responsible for the observation of employee behavior.

13.5 Notification of Testing. Notification of the City's drug and alcohol testing requirement shall be included in announcements or advertisements seeking applicants for all designated safety sensitive positions. The City shall advise an applicant or employee required to submit to a drug screen of the following:

1. Methods of drug screening to be used;
2. Substances that will be tested for;
3. Consequences of a refusal to submit to a drug screening test;
4. Consequences of a confirmed positive test result, and
5. The City's reasonable efforts to maintain the confidentiality of any results and medical information which may be provided.

13.6 Testing Conditions. The following conditions establish who may be screened and under what circumstances the drug and alcohol screening may occur:

- (a) **Applicant or Re-Assignment Testing.** An individual offered employment in a safety sensitive position or re-assigned to a safety sensitive position shall be required to take and pass a drug test as a condition of employment or continued employment. An exemption exists for the applicant or employee who has participated in an appropriate drug and alcohol testing program, that meets the requirements of 49 C.F.R. Part 382, within the previous thirty (30) days if:
 1. While participating in that program, the employee was tested for controlled substances in the six (6) months previous to the date of application with the City; or participated in a

random controlled drug or alcohol testing program for the twelve (12) months previous to the date of application with the City; and

2. The employer ensures, within his/her knowledge, that no prior employer has records of a violation of the "controlled substance use" rule of the City or of another DOT agency within the previous six (6) months.

Written verification of prior drug and alcohol testing participation should be obtained for City files.

Applicants for safety-sensitive positions will be advised of the City's per-employment testing requirements in writing following an offer to hire and prior to referral for a physical and/or drug and/or alcohol testing. Applicants for safety-sensitive positions will be asked to sign the Applicant Drug Testing Consent Agreement.

All applicants for safety-sensitive positions who are considered final candidates and who have received a conditional offer for a position will be tested for the presence of illegal drugs and/or alcohol. An applicant who receives a confirmed positive drug screen result, or the equivalent, shall have the offer of employment withdrawn and shall be subject to disqualification from employment.

- (b) **Post-Accident Testing.** The City may conduct drug or alcohol testing in investigating accidents in the workplace which (1) resulted in an injury to a person for which, if suffered by an employee, would require the City to record or report the injury to a third party under federal or state occupational safety and health laws or regulations, and the injury requires professional medical care in the opinion of the employee or his or her supervisor; or (2) the accident resulted in the driver receiving a citation under State or local law for a moving traffic violation, arising from the accident.

Following an accident:

1. Post-accident tests must be performed as soon as possible. Tests for controlled substances must be performed within thirty-two (32) hours following the accident. Alcohol tests must be performed within 8 hours of the accident
2. If an alcohol test is not administered within two (2) hours following the accident, the employer shall prepare and maintain a record stating the reasons the test was not promptly administered.
3. If an alcohol test is not administered within eight (8) hours or a controlled substances test is not administered within thirty-two (32) hours following the accident, the employer shall cease attempts to administer the test and shall prepare a record stating the reasons the test was not promptly administered.
4. Drivers subject to post-accident testing shall remain readily available for such testing. Failure to remain available can be interpreted as a positive test result.
5. Drivers subject to post-accident testing must refrain from using alcohol for eight (8) hours following the accident or until completing a post-accident alcohol test, whichever comes first.
6. The requirement to test for alcohol and controlled substances following an accident should in no way delay necessary medical attention for injured people or prohibit a driver from leaving the scene of an accident to obtain assistance in responding to an accident or to obtain necessary emergency medical care.
7. Results of an alcohol breath test or a controlled substance urine test conducted by Federal, State, or local officials having independent authority for the test shall be considered to meet the requirements of this section, provided such tests conform to applicable Federal, State, or

local requirements, and that the results are obtained by the City.

8. A negative test result is not a guarantee of continued employment. There may be alternative grounds or reasons, depending on the nature of the accident, sufficient to subject the employee to discipline or termination.

(c) **Random Testing.** The City shall conduct random drug and/or alcohol testing of its safety sensitive positions as follows:

1. Annually, at least fifty (50) percent of the average number of non-DOT safety sensitive positions and twenty-five (25) percent of DOT safety sensitive positions will be randomly tested under the drug testing requirements.
2. Annually, at least ten (10) percent of the average number of safety sensitive positions will be randomly tested under the alcohol testing requirements.
3. Random selection will be made through a computerized program provided by the consortium contractor, The Mental Health Consortium.
4. By the fifteenth of each month the City will make available to the Mental Health Consortium the names and SSN of all employees to be covered in the random program for the next month.
5. The list of persons to be tested for the next month will be created through the Mental Health Consortium's computerized random number generator program.
6. The name of the person identified to be tested will be relayed to the contact person of the City by the afternoon prior to the test date. In the case of a drug collection, the employee will be informed to report to the collection site not more than 30 minutes plus travel time prior to the scheduled test time. In the case of an alcohol test, the individual shall be tested fifteen (15) minutes prior to, during, or fifteen (15) minutes after performing a safety sensitive function.

(d) **Reasonable Suspicion Testing.** The City may conduct drug or alcohol testing upon reasonable, individualized suspicion of drug or alcohol use in violation of this policy. All supervisory employees are required to notify the City Manager or his/her designee when reasonable suspicion exists. (Refer to Protocol #3)

Reasonable suspicion exists upon evidence that an employee is using or has used alcohol or other drugs in violation of this written Policy drawn from specific articulable facts and reasonable inferences drawn from those facts in light of experience. For purposes of this paragraph, facts and inferences may be based upon, but not limited to, any of the following:

1. Observable phenomena while at work such as direct observation of alcohol or drug use or abuse or of the physical symptoms or manifestations of being impaired due to alcohol or other drug use.
2. Abnormal conduct or erratic behavior while at work or a significant deterioration in work performance.
3. A report of alcohol or other illegal drug use provided by a reliable and credible source.
4. Evidence that an individual has tampered with any drug or alcohol test during the individual's employment with the City.
5. Evidence that an employee has caused an accident while at work which resulted in an injury to a person for which, if suffered by an employee, would require the City to record or report the injury to a third party under federal or state occupational safety and health laws or

regulations, and the injury requires professional medical care in the opinion of the employee or his or her supervisor; or which resulted in damage to City property.

6. Evidence that an employee has manufactured, sold, distributed, solicited, possessed, used, or transferred illegal drugs while working or while on City premises or while operating City vehicles, machinery, or equipment.

If an alcohol test is not administered within two (2) hours of a reasonable suspicion determination, a record should be prepared stating the reasons for not administering the test. Attempts to test should cease at eight (8) hours and the individual should be removed from the safety sensitive function until they test less than .02 or 24 hours has passed. A written record should be made of the observations.

- (e) **Return to Duty Testing.** An employee who refuses to take or fails a drug or alcohol test may not return to duty until the employee passes a drug or alcohol test administered under this Chapter and the MRO or SAP have determined that the employee may return to duty.
- (f) **Follow-up Testing.** Following an employee's return to duty in a safety sensitive position, the employee shall be subject to a minimum of six (6) unannounced drug/alcohol tests in the first twelve (12) months. The MRO or SAP will determine the schedule of unannounced testing and may terminate the requirement for follow-up testing at any time after the first six (6) tests have been administered, if the MRO or SAP determines that such testing is no longer necessary. Follow-up testing shall not exceed sixty (60) months from the date of the employee's return to duty.

13.7 Collection, Testing and Reporting.

(a) Collection of Samples.

1. The Consortium contractor will establish collection sites for drug specimen collection and breath alcohol screening. Specific information related to the drug specimen collection is contained in the Mental Health Consortium's Drug and Alcohol Testing Protocol Manual. The Chain of Custody form is in Protocol #1, the laboratory analysis procedures are in Protocol #8, the specimen collection procedures are in Protocol #4, and the blind sampling procedure is in Protocol #7.
2. Strict chain-of-custody practices will be adhered to regarding urine specimen collection, transportation to the laboratory, during laboratory analysis, MRO review, and reporting to the City.
3. An applicant or employee shall be informed of the drug specimen collection/breath alcohol screening location and time. The applicant or employee shall be responsible for reporting to the collection site at the scheduled time, with a photo ID, and complying with the directions of the collector.

(b) Scheduling and Payment of Tests.

1. Drug or alcohol testing of employees shall normally occur during, or immediately before or after, a regular work period. The time required for such testing shall be deemed work time for purposes of compensation and benefits for employees. The City shall pay employee time away from work awaiting test results during the employee's normal scheduled work period.
2. The City shall pay all actual costs for drug or alcohol testing of employees and prospective employees required by the City.

3. The City shall provide transportation or pay reasonable transportation costs to employee if drug or alcohol sample collections is conducted at a location other than the employee's normal work site.

(c) **Testing Procedures.**

1. Drug testing of the specimen will be provided through an established and accredited testing laboratory that has completed certification to conduct drug testing by the U.S. Department of Health and Human Services (DHHS) and Substance Abuse and Mental Health Services Administration (SAMHSA). For information regarding the testing laboratory contact the City Drug Program Manager.
2. In most instances, random collections for both alcohol and drug tests, can be conducted onsite by utilizing the Consortium's mobile collection unit. However, local sites are available in your immediate area. For local collection site, contact the Drug Program Manager of City of Paola.
3. Alcohol testing will be conducted by a certified Breath Alcohol Technician (BAT).
4. An applicant or employee will be required to sign the necessary drug/alcohol screening consent forms established by the City or authorized by the collection site agency. Refusal to sign required drug/alcohol screening consent forms will be considered refusal to submit to a drug/alcohol screening test, a condition of employment, and will be considered the equivalent of receiving a confirmed "positive" result for employment. The applicant or employee shall not be utilized in a safety sensitive capacity until cleared by the MRO or SAP.
5. All urine specimens collected will be split-samples.

(d) **Drug Tests Performed.** Drug screening will be conducted for the following chemicals: marijuana, cocaine, opiates, phencyclidine (PCP), and amphetamines. A drug immunoassay screen will have the following thresholds for positive verification:

Marijuana Metabolite	50 NG/ML
Cocaine Metabolite	300 NG/ML
Opiates	300 NG/ML
Phencyclidine	25 NG/ML
Amphetamine/Methamphetamine	1000 NG/ML

If the initial screen exceeds the established screening threshold, it will be considered positive. At that point, a second confirmation test, gas chromatography/mass spectrometry (GC/MS) will be completed. The thresholds for positive confirmation for GC/MS are as follows:

Marijuana Metabolite	15 NG/ML
Cocaine Metabolite	150 NG/ML
Opiates	300 NG/ML
Phencyclidine	25 NG/ML
Amphetamine/Methamphetamine	500 NG/ML

(e) **Alcohol Tests Performed.** Alcohol testing will be conducted by utilizing an evidential breath-testing device (EBT) which meets the requirements established by the conforming products list published in the Federal Register.

(f) **Confirmatory drug or alcohol test.** Drug or alcohol testing shall include confirmation of any initial positive test results.

1. An initial alcohol test reading of .02 or greater on the EBT will result in the necessity of a second test. The second test ("confirmation test") shall be conducted not sooner than fifteen (15) minutes or longer than thirty (30) minutes, in order to make a determination of positive.

- (g) **Time Off From Employment Pending Test Results.** An employee who is removed from the worksite pending the results of an alcohol or drug screening test because the employee is deemed by their immediate supervisor AND either the City Manager, City Clerk, assistant to the City Manager, or department director, to pose a threat to safety or health shall be given time off. Time off shall be charged to accumulated sick leave or vacation leave. When accumulated leave is exhausted, the time off will be leave without pay. If suspension without pay is implemented, the time off will be considered part of that suspension.

13.8 Medical Review Officer (MRO) (Reference Protocol #6)

- (a) The Medical Review Officer is an agent of the Mental Health Consortium. The qualifications and functions of the MRO are contained in the Mental Health Consortium's Protocol on MRO Responsibilities and Qualifications, which is available upon request from the Consortium.
- (b) All drug test results, whether positive or negative, will be reviewed by the MRO of the Mental Health Consortium, in accordance with 49 C.F.R. Part 40.33. Contact the City Drug Program Manager for specific information regarding the MRO.
- (c) In the event of a presumptive positive, the MRO will contact the specimen-donor to determine any reasons the test was returned positive, such as the use of prescribed drugs. The MRO, based on review of the information, will make the final determination. It is only after the MRO review that City of Paola will be notified of the outcome of the test.

13.9 Consequences of Positive Test.

- (a) **Positive Alcohol Test.** If the results from the confirmation test falls within .02 to .039, the employee will be removed from the safety sensitive position until the start of the employee's next regularly scheduled duty period. If the next scheduled duty period occurs less than twenty-four (24) hours following the administration of the test, the employee shall not be permitted to return, and shall check with their supervisor as to the appropriate course of action. If the results from the confirmation test is .04 or greater, the employee will be removed from the safety sensitive position, referred to a SAP and not allowed to return to the safety sensitive position until he/she has passed a drug and/or alcohol test and is cleared to return to duty by the MRO or SAP.

The City may, in its discretion, take adverse job action against an employee for a positive alcohol and/or drug screen as set forth in this policy.

Breath alcohol test results will be reported immediately to the safety sensitive employee (SSE) and the employer.

Under no circumstances will a SSE be allowed to perform a safety sensitive function if they have consumed alcohol within four (4) hours of reporting for duty.

- (b) **Positive Drug Test.** Any employee testing positive under random selection tests or post-accident tests will be immediately removed from performing safety sensitive work and not allowed to return to the safety sensitive position until they have passed a drug and/or alcohol test and are cleared to return to duty by the MRO or SAP.

Positive drug test results will be reported to the Consortium within forty-eight (48) hours of receipt at the testing laboratory, unless the MRO has difficulty contacting the person being tested. The

Consortium will report all tests to the City Manager or his/her designee. In no instance will a positive test result go unreported longer than five (5) days from the time the test result is received from the testing laboratory by the Consortium.

The City may, in its discretion, take adverse job action against an employee for a positive alcohol and/or drug screen as set forth in this policy.

- (c) **Negative Drug Test.** Negative drug test results will be reported to the Consortium within twenty-four (24) hours of specimen receipt at the testing laboratory.
- (d) **Refusal to Submit to Testing.** Failure by an applicant or employee to report to the collection site, at the scheduled time, will be considered refusal to submit to a drug/alcohol screen, a condition of employment and continued employment; and will be considered the equivalent of receiving a confirmed "positive" result.
- (e) **Adverse Job Action.** The City reserves the right to terminate an employee receiving a confirmed positive drug or alcohol screen result if, in addition to a confirmed positive drug or alcohol screen:
 1. The employee was involved in an accident or incident caused, in part or in total, by drug or alcohol use and injury to persons or property was involved;
 2. The employee's personnel file reflects previous disciplinary material which, when combined with positive drug or alcohol testing screen results justifies termination, in the opinion of the City;
 3. The employee has previously had a confirmed positive result; or
 4. The employee fails to successfully complete an appropriate and approved drug or alcohol assessment and recommended education and treatment program.

An employee will not be subjected to termination solely on the basis of a confirmed positive result if:

1. The employee has not previously had a confirmed positive result; and
2. The employee successfully completes an appropriate, approved drug or alcohol assessment and recommended education or treatment program.

A second confirmed positive test, whether alcohol or drug, will result in immediate termination of employment.

13.10 Tampering. Any applicant for a City position who intentionally tampers with a sample provided for drug screening, violates the chain-of-custody or identification procedures, or falsifies test results shall have the conditional offer of employment withdrawn. Such actions will be grounds for disqualification for all positions in City service. Any current employee who intentionally tampers with a sample provided for drug screening, violates chain-of-custody or identification procedures, or falsifies a test result shall be subject to termination.

13.11 Drug Testing Appeals. If an employee or applicant wants to challenge the validity or accuracy of the confirmed positive result, they may appeal in writing to the MRO within seventy-two (72) hours of the notification of the positive result. The MRO and Drug Screening Coordinator should be notified of the appeal request so that arrangements for a second analysis process can be initiated on the split-sample.

- (a) **The employee will be responsible for any associated retest costs in advance and will be reimbursed by City of Paola if the retest is negative.**

- (b) All positive urine samples will be kept at the testing laboratory for a period of one (1) year and may be kept longer, at the employee's request.
- (c) Requirements for retention of samples and retesting are specifically spelled out in the Mental Health Consortium's Protocol for Drug Testing.
- (d) The MRO has discretion to authorize a retest, by the original or a different testing laboratory, on the split specimen if it is determined that the technical standards established for test methods or chain-of-custody procedures were violated in deriving a confirmed positive result or has other appropriate cause to warrant a retest.

13.12 Alcohol and Drug Awareness and Assistance.

- (a) An employee who receives a confirmed positive drug screen result or the equivalent and who has not previously had a confirmed positive result may be directed to utilize the City's Employee Assistance Program for referral to an appropriate drug assessment and education or treatment program.
- (b) An employee who receives a confirmed positive alcohol test may be referred to a SAP for appropriate assessment, education, and treatment.
- (c) The City reserves the right to terminate an employee receiving a confirmed positive drug and/or alcohol screen as stated in Section 12(e).
- (d) Prior to returning to a safety sensitive position, employees are required to provide verification to the City Manager or his/her designee that he/she is participating in an appropriate and authorized education and treatment program. In addition, the employee must pass a return to duty drug and/or alcohol test and be cleared by the MRO. **Absences during regular hours will be charged to accumulated sick and/or vacation leave. When accumulated sick/vacation leave is exhausted, time away from work will be leave without pay.**
- (e) Refusal by an employee to fully cooperate with a mandatory referral, with any recommended education or treatment program resulting from a mandatory referral, or approved drug or alcohol assessment, shall be grounds for employee discipline including termination.
- (f) After completion of the recommended education or treatment program, the employee is required to provide verification to the City Manager or his/her designee that they have successfully completed the recommended education or treatment program.
- (g) Subsequent drug or alcohol screens will be scheduled by the MRO or SAP in consultation with the City, as necessary, during the authorized education or treatment program and for a period of up to 60 months after the program ends to determine or verify that the employee remains drug/alcohol free. **All expenses for testing, after a confirmed positive test result and during the rehabilitation process, will be the responsibility of the employee. Employees should consult their insurance policy for extent of nervous, mental, and substance abuse coverage.**
- (e) **If the employee's supervisor AND either the City Manager, City Clerk, assistant to the City Manager, or department head, determines the employee poses a threat to safety or health at the worksite, while undergoing treatment, the employee may be relieved of his/her duties without pay until such time as he/she is deemed capable to return to regular duty by the MRO or SAP, and successfully passes a drug and/or alcohol test.**
- (i) Employees should consult their insurance policy for extent of nervous, mental and substance abuse coverage.

13.13 Training.

- (a) Supervisory employees or those who have responsibility to administer the City's drug and alcohol screening policies and procedures shall receive two (2) hours of training by the Consortium Coordinator on indicators of probable drug and alcohol use, including changes in behavior, physical appearance, and performance.
- (b) All subordinate-level employees will receive appropriate instruction regarding the City's Drug and Alcohol Testing Policy and Employee Assistance Program. This shall amount to one (1) hour of training on mandated requirements, including the effects of alcohol and drug,; the process of testing, and the ramifications of a positive test.

13.14 Confidentiality and Access to Records. Confidentiality will be applied to every aspect of the anti-drug program.

- (a) After the MRO contacts the employee to discuss a confirmed positive test result, the City Manager or his/her designee shall serve as the sole point of contact with the City's Employee Assistance and Drug/Alcohol Testing Program.
- (c) All drug and alcohol testing information will receive the highest level of confidentiality. Information regarding an individual's testing results or rehabilitation may be released only upon the written consent of the individual, except that such information must be released regardless of consent to the Administrator or the representative of a state or government agency upon request as part of an accident investigation. Information may disclosed, regardless of consent, in a lawsuit, grievance, or other proceeding initiated by or on behalf of the individual and arising from a verified positive drug/alcohol test. Statistical data related to testing and rehabilitation that is not name-specific and training records must be made available to the Administrator or the representative of a state agency upon request.

13.15 Policy Changes. Any changes made by City of Paola to this policy will be in conformance with stated regulations.

**** Referenced throughout this document are drug and alcohol testing protocols, which apply specifically to the activities of the Mental Health Consortium, on behalf of the contracting organizations who participate in the Consortium's Drug and Alcohol Testing Pools. A copy of this protocol is available to augment the contents of this Drug and Alcohol Testing Policy.***

CHAPTER 14 EMPLOYEE ASSISTANCE PROGRAM (EAP)

*The provisions of this chapter apply only to employees in **safety sensitive positions**.*

14.1 General Statement. The City has the responsibility of providing a safe, healthy, and efficient work environment for all safety sensitive employees (SSE). In an effort to enhance the personal well-being of its employees and their immediate family members and to contain the rising health care premiums of its work force, the City has chosen to make an Employee Assistance Program (EAP) available to all SSE and their immediate family members.

14.2 Policy. The City will provide an Employee Assistance Program for all SSE and their immediate family members.

- (a) The EAP will be available for use on a voluntary basis as well as for mandatory referrals.
- (b) The EAP will provide assessment and referral services.
- (c) The EAP will offer thorough and complete confidentiality.
- (d) The City Manager or his/her designee, with the support of the City, shall be responsible for oversight and maintenance of the EAP and will provide a high level of direction and promotion of the EAP.
- (e) The EAP will provide training and education for all SSE on how to utilize the program and will provide additional training and education for supervisors who will be allowed to make mandatory referrals.

14.3 Procedure. The EAP "Support Line" will be coordinated by an external agency, the Mental Health Consortium, Inc. This program will include a toll-free 800 number, 800-999-1196, available twenty-four (24) hours a day. The support line will be answered by a master's level mental health professional who will provide telephone counseling, and if requested by the caller, referral to appropriate services for further assistance. The support line number and the policy will be provided to each individual safety sensitive employee and be available on company bulletin boards.

All referrals for face-to-face counseling will be directed to the nearest community mental health center or appropriate agency for assessment and determination of the most appropriate level of care. These referrals would include coordination of the time, date, therapist, and location according to the caller's convenience. Face-to-face contact with a therapist will be assured to occur within forty-eight (48) hours. All expenses incurred by these sessions, voluntary or mandatory, will be the responsibility of the employee.

14.4 Voluntary Referral. The EAP will be available to all SSE and immediate family members to utilize at their own discretion. Unlimited access is available. This process will involve the employee or family member calling the support line and discussing the problem with a mental health professional. If requested by the caller and/or if appropriate, a referral will be made to appropriate resources to deal with the problem.

14.5 Mandatory Referral. Mandatory referrals may be made to the EAP by the supervisors of City of Paola. A mandatory referral shall be the result of a documented problem or problems related to poor job performance on the part of the employee. If a mandatory referral is made by a supervisor, the referral form shall be completed by the supervisor, signed by the employee, and forwarded to the City Manager or his/her designee. (See exhibit "A"). The City Manager or his/her designee will contact the EAP counselor to alert them to the required contact. The employee will have forty-eight (48) hours after signing the referral form to contact an EAP counselor by calling the support line and setting up a face-to-face meeting with appropriate referral sources. The EAP counselor will confirm contact from the employee by notifying City Manager or his/her designee. Failure to contact the EAP counselor within forty-eight (48) hours without just cause may be grounds for disciplinary action, up to and including termination.

In the case of a mandatory referral for drug testing, the supervisor will accompany the employee to the testing site.

14.6 Confidentiality. The Employee Assistance Program Administrator (Mental Health Consortium, Inc.) shall maintain only those records necessary to comply with the program. After a supervisor refers an employee to the EAP, the EAP will maintain all records necessary to carry out its duties. All medical and/or rehabilitation records concerning the employee's problem, including the employee's identity, diagnosis, prognosis, or treatment is confidential and may be disclosed only when authorized through written consent of the employee.

14.7 Leave Allowance

- (a) **Voluntary Referral.** Employees will be allowed to utilize their accrued sick leave or accrued vacation leave to voluntarily access the EAP, should such appointment(s) be necessary during their normal working hours. City of Paola would encourage employees to pursue assessment and counseling during off duty hours whenever possible.
- (b) **Mandatory Referral.** Employees' vacation and sick leave will be used for referral and assessment sessions, which are mandated, by the employee's supervisor, or City Manager or his/her designee of City of Paola. Further, counseling activities beyond referral and assessment will be the responsibility of the employee.

CHAPTER 15 DISPUTE RESOLUTION

The City believes that open communication is essential to the maintenance of a productive work environment. The City realizes that, from time to time, problems, concerns or disputes may arise which, if left unresolved, will negatively impact the work environment. The purpose of the City's dispute procedure is to provide an outlet for those problems, concerns, or dispute that cannot be resolved informally with your supervisor. The presentation of a formal dispute does not affect the at-will nature of employment with the City of Paola. All employees are employee's at-will, and may be terminated at any time, with or without cause, and with or without review pursuant to this procedure.

Limitations. The following limitations apply to the City's Dispute Procedure:

- (a) Eligibility. An employee, who wishes to take advantage of the dispute procedure, must be a regular full-time employee and must have successfully completed his or her initial training period.
- (b) Application. The policy or procedure of the City which directly affects the employee.

Dispute Procedure

Dispute must be filed following the procedure below, with the exception of harassments allegations defined in Section 2.6. Harassment allegations should be made through the procedures described in the City's Non-Harassment Policy Section 2.6 of the Employee Handbook.

(a) A dispute must be submitted in writing within five (5) business days following the event upon which the dispute is being made. Disputes shall be submitted to the Employee's immediate supervisor with a copy to the Human Resource Director. All disputes shall include:

1. A statement of all relevant facts upon which the dispute is based and a specific regulation or policy which the employee believes was violated.
2. The remedy or adjustment sought.
3. Disputes shall be signed by the employee and dated as of the date of submission.

(b) The immediate supervisor shall forward the dispute along with his or her recommended resolution to the department head within five (5) business days of receipt. The immediate supervisor's recommended resolution shall include confirmation or denial of each factual allegation set out in the dispute, along with any recommended remedy or adjustment.

In the event that the dispute involves discrimination or retaliation by the immediate supervisor, or termination, demotion or suspension without pay, the employee may present the dispute directly to City Manager.

(c) The department head shall render a written decision on the dispute within five (5) business days following receipt of the immediate supervisor's recommended resolution. Copies of the department head's decision will be sent to the employee, the immediate supervisor involved and the Human Resource Director.

(d) If the employee is dissatisfied with the decision of the department head, he/she may submit his/her dispute, and the decision, to the City Manager for review. Requests for review must be submitted in writing within five (5) business days following receipt of the department head's decision. The City Manager shall render a written decision on the request within five (5) business days. The City Manager's

decision shall be final and conclusive. Copies of the City Manager's decision will be sent to the employee, immediate supervisor, department head involved and the Human Resource Director.

Time Limits. A dispute not advanced to the subsequent step within the time limit provided shall be deemed permanently withdrawn, and as having been settled on the basis of the decision most recently given. Failure on the City's representatives to answer within the time limit set forth in any step will entitle the employee to proceed to the next step.

In the event that the City Manager is unavailable (vacation, illness, etc.) to respond to a dispute, the City Manager may appoint a designee to respond to the dispute or the City may, at its option, extend the time for responding to the dispute.

Limitation on Review. Details of dispute and investigations shall be kept as confidential as possible. No dispute shall be viewed or decided by any person outside the City.

Retaliation Prohibited. Retaliation in any form against an employee who has filed a dispute in good faith is prohibited and cause for disciplinary action pursuant to this Employee Handbook. No employment related decision shall be made in retaliation for filing a dispute in good faith.

Abeyance. If a dispute is filed with any other board, agency or court with concurrent jurisdiction concerning the subject matter of a dispute filed pursuant to this policy, the dispute may, at the City's option, be held in abeyance until such other board, agency or court has rendered its decision.

APPENDIX I

The City of Paola Employee Handbook

Definitions

Department Head: A person directly responsible for the administration of a City Department.

Household Member: Anyone residing in the same residence as the employee.

Human Resources Director: The person hired to fulfill the duties of the Personnel Director or Human Resources Director.

Immediate Family: Immediate family includes only the employee's parents, stepparents, spouse, children, sisters or brothers, grandparents, grandchildren, mother or father-in-law, and brothers or sisters-in-law.

Pay Grade: Range of pay according to an employee's level or rank in the classification plan.

Pay Range: A series of pay steps, from the entrance rate to the maximum of the range, identified by letters.

Position: A post of employment with assigned responsibilities and duties to be performed by one employee.

Initial Training Employee: An employee who is serving a minimum six-month training period.

Initial Training Period: A working test period during which an employee is required to demonstrate his/her fitness, for the position to which he/she has been employed, by actual performance of the duties of the position, and/or adherence of City/Department policies and/or on-the-job behavior.

Re-Training Employee: An employee who has previously served a minimum six-month training period but is under disciplinary action for a designated length of time.

Re-Training Period: A specified length of time working test period during which an employee is required to demonstrate his/her fitness, for the position to which he/she has been employed by actual performance of the duties of the position and/or adherence of City/Department policies and/or on-the job behavior.

Professional Supervisory Responsibility: An individual has "professional supervisory responsibility" for another individual if he or she performs functions including, but not limited to supervising, evaluating, hiring, coaching, counseling, recommending, advising or making decisions that confer benefits such as compensation, promotions or other remuneration or that may impact upon other employment opportunities.

Promotion: Increase in the duties and responsibilities of an employee such as to involve a higher grade; transfer of an employee to a position in a higher grade.

Relative: The employee's parent, stepparent, spouse, child, sister, brother, aunt, uncle, niece, nephew, grandparent, grandchild, mother or father-in-law, and brother or sister-in-law.

Reprimand: A form of disciplinary action designed not only to admonish or warn an employee, but also to lead, guide, direct, and instruct the employee in how to correct and avoid repeating a mistake, infraction, deficiency, or other problem.

Supervisory Personnel: A person reporting directly to a Department Head, and responsible for supervising one or more other employees.

Transfer: Change of duties from one position to another in the same grade.

Volunteer: A non-paid individual in the position he/she holds. When acting as a volunteer an individual is not an employee regardless of other city employment.

CITY OF PAOLA

**DRUG AND ALCOHOL TESTING PROGRAM
PERSONNEL AND SERVICES**

1. DRUG PROGRAM MANAGER

Primary Contact

Human Resources Director
PO Box 409
Paola, Kansas 66071
913-259-3600

Secondary Contact

City Clerk
PO Box 409
Paola, KS 66071
913-259-3600

2. LOCAL COLLECTION SITE

Miami County Health Department
1201 Lakemary Dr
Paola, Kansas 66071
913-294-2431

In most instances the Consortium mobile on-site collector can perform the collections. However, a local site is also available in circumstances where the on-site collector is unavailable.

3. MEDICAL REVIEW OFFICER (MRO)

This service provided by the Consortium or it's designee.

4. NATIONAL INSTITUTE ON DRUG ABUSE (NIDA) LABORATORY

This service provided by the Consortium or it's designee.

5. EMPLOYEE ASSISTANCE PROGRAM (EAP)

SupportLine
112 SW 6th Ave, Suite 400
Topeka, Kansas 66603
Local 234-1077
Toll Free 1-800-999-1196

CITY OF PAOLA

APPLICANT DRUG TESTING CONSENT AGREEMENT

The City is committed to ensure a safe, drug and alcohol free workplace for all City employees and the general public. As a public employer, the City has a compelling interest in establishing reasonable conditions of employment. Prohibiting employee drug and alcohol use is one such condition.

As a prerequisite to employment in a safety sensitive position, I hereby agree to undergo drug testing to determine the presence of illegal drugs and/or alcohol in my body. Further, I give my consent to release my test results to authorized City Human Resources Director for appropriate review, and authorize the City to use the test results as a defense to any legal action to which I am party.

I understand that the results of the drug test, if confirmed positive, will result in the offer of employment withdrawn by the City and disqualification from employment. I also understand that if I refuse to consent, I will be removed from further consideration of employment.

Further, I understand that if employed by the City, I must abide by the terms of the City's Drug Free Workplace Policy and may be required to submit to testing for the presence of illegal drugs or alcohol. I understand that submission to such testing is a condition of employment with the Company, and disciplinary action, up to and including discharge, may result if (1) I refuse to consent to such testing; (2) I refuse to execute all forms of consent and releases of Liability as are usually and reasonably attendant to such examination; (3) I refuse to authorize release of the test results to the Company (if the tests establish a violation of the Company's Drug Free Work Place Policy); or (4) I otherwise violate the policy.

Applicant Signature

Applicant Printed Name

City of Paola Representative Signature

City of Paola Printed Name

Date

Date

CITY OF PAOLA

REASONABLE SUSPICION REPORT FORM

Employee's Name: _____

Department: _____ Social Security Number _____

Date Behavior Observed: _____ (Month/Day/Year)

Time Observed: From _____ am/pm to _____ am/pm

Location where employee was observed: _____

Behavior Observed: (Check all items that apply)

Speech: Normal _____ Incoherent _____ Confused _____ Slurred _____
Whispering _____ Silent _____ Loud _____ Rapid _____ Cursing _____

Balance: Normal _____ Staggering _____ Swaying _____ Falling _____

Eyes: Normal _____ Reddened (bloodshot) _____ Pupils Dilated _____
Pupils Constricted _____

Walking and Turning: Normal _____ Stumbling _____
Arms raised for Balance _____ Reaching for Support _____
Lack of Coordination _____

Awareness: Normal _____ Confused _____ Sleepy _____ Paranoid _____

Comments of employee (please quote remarks, admissions, etc.) which are pertinent; such as swearing, cursing: _____

Other observed actions or behavior (i.e., odors, vomiting, coughing, gagging, crying, etc.): _____

Supervisor

Date

This report must be prepared every time an employee is suspected of drug or alcohol use by actions, appearance, or conduct while on duty. This form must be completed within 24 hours or before test results are released.

CITY OF PAOLA

**MANDATORY REFERRAL AND
RELEASE OF INFORMATION**

As an employee of the City, I understand that I have been referred to the City Employee Assistance Program (EAP). I understand that I must:

- { } Contact the Substance Abuse Professional within 48 hours of time designated below.
- { } Provide a drug test specimen.
- { } Submit to a breath alcohol test.

A signed copy of this waiver will be presented to the drug/alcohol consortium as notification that I am a referral from City of Paola. This form will serve as notice that information may be released to the City Manager or his/her designee of City of Paola. Only information regarding my notification of the SAP, confirmation of a face-to-face assessment; confirmation of admittance, including date and estimated length of stay, to an appropriate treatment program; confirmation of attendance at all scheduled treatment appointments; and successful completion of the treatment program or drug and/or alcohol test results may be released to the City Manager or his/her designee.

I understand that if I do not follow the directions checked above and provide confirmation of attendance and completion that I may be subject to disciplinary action, up to and including termination of employment with the City.

Likewise, I understand that if I am required to submit to a drug and/or alcohol test and fail to do so that I may be subject to disciplinary action, up to and including termination of employment with the City.

Employee Signature

Employee Printed Name

City Manager

Employee Social Security Number

Referring Supervisor

Date

Date

CITY OF PAOLA

DRIVER PROGRAM PARTICIPATION VERIFICATION AND RELEASE FORM

Under C.F.R. 49 Part 382.413, employers may obtain from previous employers, pursuant to a driver's consent, any of the information concerning the driver, which is maintained under C.F.R. 49 Part 382.401(b)(1)(i) through (iii) by the driver's previous employers.

Employer Name: _____
Location: _____
(street) (city) (state) (zip)

I, _____, hereby authorize the testing program named herein to release pertinent information regarding drug and alcohol tests performed on myself for an employer and /or the FHWA.

Driver's Signature: _____

DRUG AND ALCOHOL TESTING PROGRAM:

Name: _____ Telephone No: _____

Location: _____

(street) (city) (state) (zip)

Contact: _____

Name (print) Title

The above named driver: <input type="checkbox"/> participates <input type="checkbox"/> does not participate, in the above named program.
Dates of participation: From ___/___/___ to ___/___/___
Has the driver ever refused a drug or alcohol test: <input type="checkbox"/> Yes <input type="checkbox"/> No
This driver: <input type="checkbox"/> is <input type="checkbox"/> or is not <input type="checkbox"/> qualified to drive a commercial motor vehicle.

COMPLETE TEST RESULT INFORMATION BELOW: (Begin with the most recent test.)

Date of Test: ___/___/___ (month) (day) (year)	Result of Test: <input type="checkbox"/> negative <input type="checkbox"/> positive
	Type of Test: <input type="checkbox"/> alcohol <input type="checkbox"/> drug
Date of Test: ___/___/___ (month) (day) (year)	Result of Test: <input type="checkbox"/> negative <input type="checkbox"/> positive
	Type of Test: <input type="checkbox"/> alcohol <input type="checkbox"/> drug
Date of Test: ___/___/___ (month) (day) (year)	Result of Test: <input type="checkbox"/> negative <input type="checkbox"/> positive
	Type of Test: <input type="checkbox"/> alcohol <input type="checkbox"/> drug
Date of Test: ___/___/___ (month) (day) (year)	Result of Test: <input type="checkbox"/> negative <input type="checkbox"/> positive
	Type of Test: <input type="checkbox"/> alcohol <input type="checkbox"/> drug
Date of Test: ___/___/___ (month) (day) (year)	Result of Test: <input type="checkbox"/> negative <input type="checkbox"/> positive
	Type of Test: <input type="checkbox"/> alcohol <input type="checkbox"/> drug

Verified by: _____

(name) (title) (date)

AUTHORIZATION FORM FOR DISCLOSURE OF PROTECTED HEALTH INFORMATION

Instructions: All of the Blocks 1 - 7 must be completed. If any block is *not* completed then this Authorization Form will be considered incomplete and defective and cannot be used.

Block 1: Identification of Patient

PATIENT NAME: _____ DATE OF BIRTH: _____
PATIENT ADDRESS: _____

SOCIAL SECURITY NUMBER or OTHER IDENTIFIER: (e.g. patient acct # of DL #)

Block 2: Type of Records / Information to be Disclosed: CHECK ONLY ONE OF THE FOLLOWING BOXES (A or B). If neither box is checked or if both boxes are checked then this form will be considered defective and cannot be used. IF YOU WANT BOTH TYPES OF RECORDS DISCLOSED YOU MUST USE TWO SEPARATE FORMS - One for Each Purpose.

A. Records *except* for Psychotherapy Notes B. Psychotherapy Notes only.

DESCRIBE WHAT SPECIFIC RECORDS MAY BE DISCLOSED (*examples*: All records, X-Rays only, records for last 12 months) &/OR CHECK ALL THAT APPLY: All Records* alcohol/ drug evaluation/ treatment HIV/ Aids Status Pharmacy

LIST TREATMENT DATES IF KNOWN:

* **All** includes inpatient/outpatient records, medical, dental, psychiatric, alcohol/chemical/substance abuse, HIV/Aids, pharmaceutical, hospital or physician records, office notes, narrative summaries, telephone messages, correspondence to/from/about me, diagnostic testing results, bills, statements & invoices whether or not you created those records as long as the records are in your control or possession.

Block 3: Persons, facility, or class of persons who are authorized to disclose (provide) the records/information:

Block 4: Persons, facility, or class of persons who are authorized to receive the records/information:

Block 5: Expiration: This Authorization will expire on ____ or on the following specific event:

Block 6: Purpose for which you want records/information disclosed: (*check one box*) At request of individual OR Other: (*state reason* _____)

Block 7: Authorizing Signature - I authorize the disclosure of the records/information described and

I understand that if the person or entity that receives the described records/information is not subject to federal privacy regulations or other laws, the records/information may be re-disclosed and no longer protected by those regulations.

I also understand that certain records may be protected by federal or state law, including HIV, psychiatric or mental health treatment, alcohol/drug treatment or communicable diseases, and I am requesting that any and all such protected records be released under this authorization.

I also understand that I may revoke this authorization at any time by delivering a *written* revocation to: _____ and provider.

If I revoke this authorization it will have *no* effect on actions already taken on reliance on this form. I know I may refuse to sign this form and that my treatment or payment for my treatment will not be affected if I do not sign this form unless my treatment includes research or the reason for my treatment is to disclose information to another.

I have read and understand this form. I am the patient listed or am authorized to act on behalf of the patient as the patient's personal representative. I also permit disclosure of the records upon presentation of a photocopy of this form.

I permit the disclosure of the records to any expert witness for review in the litigation referenced in block 6.

The undersigned authorizes you and your employees to speak with _____ regarding the care and treatment rendered to _____ for the above.

Signature of Patient or Patient's Personal Representative

Date of Signature

Personal Representative's Relationship / Capacity to Patient:

Printed Name of Personal Representative:

Address & telephone number of Personal Representative:

NOTE: If a Health Care Provider seeks an authorization from an individual for use or disclosure of protected health information, the Health Care Provider must provide a copy of this signed authorization to the individual.

STATE OF _____)

) ss:

COUNTY OF _____)

Now on this ____ day of _____, 20__, came on before me _____, who is personally known to me to be the same person who executed the foregoing Medical Authorization and such person duly acknowledged the execution of the same.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my official seal the day and year last above written.

NOTARY PUBLIC

My Appointment Expires:

Prohibition on Disclosure. This information has been disclosed to you from records whose confidentiality is protected by Federal Law. Federal Regulations (42 CFR Part 2) prohibit you from making any further disclosure of this information except with the specific written consent of the person to whom it pertains. A general authorization for the release of medical or other information if held by another party is NOT sufficient for this purpose. Federal Regulations state that any person who violates any provision of this law shall be fined not more than \$500 in the case of a first offense, and not more than \$5,000 in the case of each subsequent offense.

I agree to be bound by the Restricted Disclosure Requirement of the Federal Government as outlined above.

Signature of Person to Whom Records Are Disclosed

CITY OF PAOLA

**EMPLOYEE ACKNOWLEDGMENT OF
DRUG FREE WORKPLACE POLICY**

By signing below, I acknowledge receipt of my copy of the City's Drug Free Workplace Policy and Employee Assistance Policy. I have read and understand its contents, and I understand that I am responsible for knowledge of all content of this policy and that failure to comply with these policies and rules may result in disciplinary action, up to and including termination. I also understand and acknowledge that I have been given the opportunity to ask any questions that I have about the contents of this policy and have had those questions answered.

I understand that the City reserves the right to change, interpret, withdraw or add to this policy at its discretion and without prior notice or consideration to any employee. None of the City's policies, benefits or terms and conditions of employment has been or is required to be approved by any employee or employee group.

I agree that I will not engage in the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance or drug paraphernalia or abusive use of legal drugs, alcohol or other intoxicating substances while on duty or in any manner that may impair performance of my job duties.

I agree and understand that employees in safety sensitive positions may be required to undergo a drug and/or alcohol screen based upon reasonable suspicion. Employees required to undergo a drug and/or alcohol screen will be informed prior to the drug/alcohol screen and may be referred to an education and treatment program depending on the results of the drug/alcohol screen.

I agree to abide by all provisions of the City's Drug Free Workplace Policy and Employee Assistance Policy as a condition of my continued employment with the City.

Do not sign your name on this receipt until you have completely read and understand the City's Drug Free Workplace Policy and Employee Assistance Policy and have satisfied yourself with answers to any questions you may have concerning it.

I CERTIFY THAT I AM ABOVE THE AGE OF EIGHTEEN (18) YEARS OF AGE AND I HAVE READ, UNDERSTAND AND AGREE TO ABIDE BY THE DRUG-FREE WORKPLACE POLICY AND EMPLOYEE ASSISTANCE POLICY ADOPTED BY THE CITY.

Employee Signature

Employee Printed Name

City of Paola Representative Signature

City of Paola Printed Name

Date

Date

CITY OF PAOLA

EMPLOYEE ACKNOWLEDGMENT OF EMPLOYEE HANDBOOK

By signing below, I acknowledge receipt of my copy of the City Employee Handbook. I have read and understand its contents. I understand that I am responsible for knowledge of all content of this Employee Handbook and that failure to comply with the policies and rules set forth in this Employee Handbook may result in disciplinary action, up to and including termination. I understand the Employee Handbook applies to my employment by the City. I understand that the City reserves the right to change, interpret, withdraw, or add to any of the policies, benefits, or terms of this Employee Handbook at its discretion and without prior notice or consideration to any employee. None of the policies, benefits, or terms and conditions of employment has been or is required to be approved by any employee or employee group.

I acknowledge that my employment with the City is "at-will," meaning that the terms of employment may be changed with or without notice and/or with or without cause, including, but not limited to, termination, demotion, promotion, transfer, compensation, benefits, duties and location of work. There is no agreement expressed or implied between the City and me for continuing or long-term employment. Furthermore, I understand that nothing contained in the Employment Handbook is an express or implied contract of employment. While supervisors have certain hiring authority, no supervisor representative of the City has any authority to alter the at-will relationship.

I further acknowledge my understanding that, on occasion, I may be asked to work overtime, in excess of forty hours per week. I further acknowledge that the City may provide compensatory time off in lieu of overtime pay unless otherwise I state my objection to the City.

I have received the Handbook and I understand that it is my responsibility to read and comply with the policies contained in it and any revisions made to it. I also understand and acknowledge that I have been given the opportunity to ask any questions that I have about the contents of the Employee Handbook and have had those questions answered.

Do not sign your name on this receipt until you have completely read and understand the contents of the Handbook and have satisfied yourself with answers to any questions you may have concerning it.

Employee Signature

Employee Printed Name

Date

After signing, please return this Employee Acknowledgement of Employee Handbook to the City Clerk.